

IMPLEMENTATION OF EQUAL REMUNERATION ACT, 1976
IN THE STATE OF UTTAR PRADESH

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PREFACE

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CHAPTER I

INTRODUCTION AND BACKGROUND OF THE STUDY

Introduction

Women represent a unique and irreplicable resource and expertise base available for the construction of sound social formations, new approach to human productivity and welfare. Each country has a vast potential in its women population which, if rightly utilized, can prove to be a boon for its economic growth and national welfare. In the past, majority of the women in the Third World Countries were facing a situation of increasing marginalisation, deprivation and new forms of subordination that compounded and increased their inequality. The processes of transformation in social and economic spheres had affected women of all classes, but differently. Women were participating in economic activities, in political and social processes of change but not as beneficiaries. The men-women syndrome has been a topic of perennial discourse among poets, philosophers and social scientists all from different angles. In course of time, the society got male dominated and women's lot was marked by a status of inferiority and degradation, specially during the Middle Ages. Restricted by social customs and religious practices, deprived of educational opportunities and avenues for gainful employment, women are economically dependent and socially exploited in most of the developing countries.

In the fast changing scenario the world over, women are emerging as a concrete work-force, they are entering all fields of economic activity despite the discrimination they face. Earnings of female members are an important source of income, particularly of the poor households. Their contribution to the earnings of the family is increasingly being regarded as essential rather than secondary. Women play a vital role not only in household activities but in family income and thus in national income throughout the world. Millions of families in most parts of the globe largely depend on women's earnings. Today, they constitute about 50 per cent of world population one-third of labour-force but are more vulnerable to employment than men, this is so because of the male biased socio-economic structure which is generally prevalent in the economies whether developed or developing. The need is to recognise women as a productive work-force as they are inseparable component of development. The past decades have witnessed a rise in the participation of women in the work-force partly because of the determination of women in bringing about a change in the world thinking about the so-called "women's spheres" of economic activity and partly because of the changing economic and social values. Women workers in the world now number 815 millions. During the 1975-85 decade alone, 15 millions women joined the labour market each year. In this present decade with all its talk of equality of status and work it is disheartening to note that women's case is covertly omitted.

Preaching equality is just not enough, its practicing equality which is of greater consequence.

India, the second most populous country is also witnessing a rise in its women work participation rate. Women have now penetrated the periphery and are entering specialised fields. They are employed in agriculture, industry, services and the government. But being women they face discrimination in employment at both the pre-entry and post-entry stages. The valid question which arises here is 'why does this discrimination against working women exist when the Indian Constitution has provided them with the necessary safeguards?'. Women in India have never had to go out into the streets to demand their rights as the constitution has provided them with rights at par with men. The charter of 26th January 1950 of the Republic of India states that the sovereign, Democratic Republic of India shall secure to all its citizens equality of status and of opportunity. The law perceives, both men and women as equals, this thought is echoed in the right to equality one of the fundamental rights prescribed by the Constitution.

The laws for the benefit of workers began way back in 1830. Since then there has been a steady increase in laws and organizations for the welfare of labour-force as a whole. These laws and organisations have been formulated on the pattern which extends equally to both men and women. The Royal Commission for Labour set up in 1929 and the National Labour Commission appointed by the Government of India on 24th December, 1966 are to aid and assist in the better understanding of

the requirements of the work-force at a point of time. It was the Royal Commission on labour (1929) which initiated an exhaustive study of all aspects of the conditions of the Indian Industrial and Plantation Labour at the official level. It is on their recommendations that many of the laws have been enacted. Though the modern labour legislation began in 1830, it is only now after Independence that the labour laws have become effective instruments of social action. The State Employees Insurance Act of 1948 provides for compulsory sickness, maternity and employment injury. The Payment of Wages Act, 1936 seeks to regulate the delays and deductions in the payment of wages to industrial and plantation labour. The Factories Act of 1948 was enacted primarily with the object of providing protection to workers employed in factories against industrial and occupational hazards. The Workmen's Compensation Act, 1923 was framed with a view to provide for compensation to a workman incapacitated by an injury from accident. The Minimum Wages Act, 1948 provides for statutory fixation of minimum wages. A country like ours need legislation to ensure better provisions for the labour-force as workers' organizations are yet to be fully developed and the workers' bargaining power is consequently poor. This fact is more pronounced in the case of women. The series of these liberal and progressive legislations affecting (both men and women) specially women enacted in our country over the decades are the joint outcome of continuous struggles launched by women's groups, lawyers and democratic right groups.

India is a democratic country and the fight against discrimination against women is a part and parcel in the general fight for democracy. This struggle of women is not on monetary grounds but it is beneficial to take a decisive stand in political, economic and social rights of women in the interest of developing women's personality and the progress of the society as a whole.

Indian women have come a long way since Independence, they have achieved a lot as the recent decades show. Women in urban and rural areas are coming forward in increasing numbers to make use of opportunities in education clamour for right to work and agitate for higher living standards for themselves and their families. A new woman is emerging on the Indian scene, whose social awareness is growing and who is anxious to reshape and remould India's social and economic structure.

Labour is the basic requirement of all economic activities. The growth of an economy and the level of advancement of its human resources are interlinked. Higher the degree of human skills and ability to tap resources with human endeavour higher will be the development in an economy. Moreover, if the women working population is progressive, the result will be the enhancement of productivity of the labour-force in general. Women can be progressive in the true sense when there is no hinderance in their path to maximum contribution to development. But hinderances are many in the form

of sex discrimination. The scales of equality are out of balance. The side marked 'women' is weighed down with responsibility while the side marked 'man' sides high with power. Discrimination does prevail despite the laws aimed at doing away with it. The values set by the Indian Constitution envisage a socialistic pattern of society under the democratic form of government, wherein equality freedom and non-exploitation are assured to all sections of the people irrespective of race, religion, caste and sex as their fundamental rights. The process of discovering, rethinking and questioning began in India with the investigations of the Committee on the Status of Women in India (CSWI) (1971-72). Article 14 states equality for all citizens before the law and Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Similarly, Article 16 provides for equal opportunity in matters of public employment. The fundamental rights stated in constitution are related to welfare of women. Besides the directive principles of state policy are also constituted in a way as to promote the well being of women. Article 39 says that certain principles of policy are to be followed by the state among them is the principle of equal pay for equal work for both men and women. Article 42 provides for just and human conditions of work and maternity relief and Article 44 provides a uniform civil code for all Indian citizens.

From its early stages, the global debate on methods to eliminate women's inequality included a search for viable

mechanism which could implement the new approach to women's equality and participation and share its results. The U.N. Commission on the Status of Women recommended National Commissions to play an effective role in this direction.

It is not only the Indian Government which is proposing to provide for equal opportunities to both men and women. The International Labour Organization has seconded the proposal and is helping and encouraging India and other countries in this field. ILO's Declaration of Philadelphia 1944 proclaimed 'All human beings, irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunities'. Since then there has been an echo of this thought in all its conventions on Equality.

The Equal Remuneration Convention (No.100) and Recommendation (No.90), both adopted in 1951, relate specifically to the elimination of discrimination between men and women workers in respect of remuneration. It lays down the general principles that ratifying member states (India being one of them) are to promote. Under the Convention (Article 1) 'the term remuneration' includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or kind, by the employer to workers and arising out of the workers' employment. To curb the widespread discrimination which exists in the labour

market the ILO adopted the ILO Discrimination Convention (No.111) in 1958 and Recommendation (No.111). It defines discrimination as 'any distinction, exclusion or preference which has the effect of nullifying impairing equality of opportunity and treatment in employment and occupation'. All this is the result of greater awareness of the complexity of interactions between the multiple roles of women and their contribution to society and the pervasive nature of discrimination of all domains'. Majority of the ILO member states now include the general principle of non-discrimination on the basis of sex in their constitutions and legislations. As ILO study reveals that a major problem with the mechanisms that have been set up to translate the principle of equality into practice is that there is a tendency for them to become isolated from the mainstream of economic, social and political developments and thus the concerns of women are not integrated in overall national programmes. The amended draft resolution of the 13th International Conference of Labour Statisticians, ILO, 1982 states that 'where necessary research should be carried out in order to identify the extent, nature and source of the possible biases, if any, and to develop appropriate methods of reducing them'.

Since the adopting of the resolution on equal opportunities and equal treatment for men and women in employment by the International Labour Conference in 1985, the ILO has made concentrated effort to co-ordinate its activities regarding

women workers to ensure a systematic integration of women's concerns throughout all its programmes at headquarters and also in other regions. This has resulted in the formulation of ILO Plan of Action on Equality of opportunity and treatment of men and women in employment.

Another milestone in the women's equality movement was the declaration of rights of women, adopted at the world congress of women in Copenhagen in June 1953. In 1945 the U.N. Charter affirmed its 'faith in fundamental human rights in the dignity and worth of the human person and in the equal rights of men and women'. To strengthen their charter, two years later a U.N. Commission on the status of Equal Rights for women was established. Later the general assembly in its resolution 34/180 of 18 December, 1979 approved and opened to signature, ratification and accession, the convention on the elimination of All Forms of Discrimination Against Women. This convention was opened to signature in New York on 1st March 1980 and entered into force on 3rd September 1981. The ILO organized regional seminars on non-discriminatory employment practices in the Asian region. The first seminar in this series was held for countries in all parts of the Asian and Pacific region at Bangkok in April 1983. Another tripartite seminar in the series was organized in Asia in July 1987 for countries in the East Asian sub-regions. After the proceeding, the conclusions drawn were that women in these countries continue to face problems in their remuneration and promotion of equal opportunities. It was also seen that the national

average wage of women is lower in every country of this region than that of men. In some countries the perception that men are the primary wage earners and that the wages of women are only supplemental sources of income, contributes to this situation. This holds true for India to a great extent. Women are seen as objects of change, rather than agents of change, coping rather than initiating, bystanders rather than participants.

The present decade has dawned with an increase in the number of countries - from 28 in 1978 to 90 in 1983 who have equal pay legislation in their statute books, making it illegal to give men and women different wages for the same work. In Australia the Act on sex discrimination was passed in 1984. In Belgium Title V of the Economic Reform Act of 7th August 1978 prohibits both direct and indirect discrimination based on sex in the field of employment. The French law of 13th July 1983 deals with occupational equality between the sexes. Ireland adopted the Employment Equality Act in 1977. In Italy Act No.903 of 1977 on Equality of treatment of men and women prohibits discrimination. Norway passed an Act in this connection in June 1981 (Act No.59). In Spain Section 38 of the Basic Employment Act of 8 October 1980 establishes, as a basic principle of employment policy, equality of opportunity without distinction of sex. Swedish Act concerning equality between men and women at work was adopted in 1979. In U.K., the 1970 Equal Pay Act amended in December 1975 requires that men and women should be treated equally not only in regard to

pay but also other conditions of employment. In United States Public Law No.98-397 of August 1983 is designed to provide greater equality between men and women.

There are many options available now for achieving pay equity in India, the Equal Remuneration Act of 1976 being one of them. There is host of discovered and yet to be tapped ways of approaching the issue, organizing support, identifying tactics and building organizations and committees, local, state and national policies are playing a vital role in this process.

Inequality particularly in terms of opportunities regarding employment and wages still prevails between men and women. There are many mechanisms responsible for lower wages to women workers. "Few among them are biased job evaluation systems, violation of labour laws by employers and unions, biased techniques to determine wage rates, employer collusion in wage fixing, manipulation of potential labour pools, arbitrary depression of wage rates and expectation that women will work for less money than men". Jobs are evaluated and ranked according to their worth and wages are set correspondingly, usually are coordinated with prevailing market rates. Many public and private employers use job evaluation systems in salary setting. But in theory and practice job evaluation systems have discriminated against 'womens jobs'. To quote T.S. Papola 'once discrimination is institutionalised through social attitudes, hiring practices and norms, overt discrimination is generally

less visible. Discrimination is taken for granted and its existence needs to be pointed out on the basis of argument and analysis. This seems to be the case with discrimination of women in employment'.

Despite women's rapid integration into paid work, their status in the labour market remains unequal. The sex segregation of jobs also means that women are at a disadvantage as regards pay, type of work, employment contracts, career, prospects, etc. In India women are now joining the ranks of paid workers to an extent that was inconceivable thirty years ago. The struggle for India's working women is led by the National Federation of Working Women, the largest democratic women's organization in the country, founded in 1952. One of the basic clauses in the Federation's programme is defence of the working women's rights. One of its concrete demands is that the ILO's convention No. 100 be strictly observed. The government took a great interest in the welfare of women in 1954. State Governments started special departments for women's welfare. The Central Social Welfare Board and the Indian Council of Social Welfare have done a lot for women in need, as it has been observed. Various other women's organizations constituted during the past are striving for a better working environment for women, a few among them are National Council for Women in India 1925, Bhartiya Grameen Mahila Sangh 1955 and National Federation of Indian Women 1954. Cooperation with All India Trade Union Congress is helping to strengthen the positions of the democratic women's movements in the general national struggle.

India's working women are now taking active part in the struggle of the working class for their rights and against the policy of wage freeze, soaring prices, equal opportunities and justice. The magnitude of involvement, participation and decision making of women at work are sufficient grounds for effective programmes and policies which promote this issues. The statistics shows that most of the women workers are employed in the unorganised sector of the economy. This too is a result of the discriminatory attitudes prevailing in the labour market and society. Discrimination in recruitment and remuneration are contributing towards increasing participation of women in the unorganised sector. Wage gaps between men and women workers are both the cause and effect of women's inferior position. They also help to perpetuate hierarchical economic value systems which in the end create inequalities between men and women and other social groups within a region, state or country. The state of Uttar Pradesh is no exception to this statement.

The percentage of employed workers 'those employed in industrial and services sectors, unorganised sector including those in industry and services' (employed workers are other than those employed in agriculture, household industry, those who are self-employed and marginal workers) in total main workers (1981 Census) is 22.8 per cent among male and 11.7 per cent among female in Uttar Pradesh. For India the percentage of male employed workers in total main workers is 33.6 per cent and the percentage of female employed workers in total female main workers is 16.0 per cent.

Considering the social structure which does not encourage women to work and the work participation of women in various categories of economic activity should be appreciated. The preceeding statistics and data shows that women are an integral part of the labour-force, they should be treated as equals with respect to work. This, unfortunately, is not the case, exploitation of women and denial of equality of opportunity in employment and participation exists inspite of the passing of Equal Remuneration Act of 1976. The equity consideration demands that wage differentials between different categories of workers should be in proportion to the differentials in job content factors and not based on sex. At various levels of planning the Indian Government has been striving to achieve a non-discriminatory approach towards female workers. An example of it can be found in the Fifth Five Year Plan. The overall objective of the Plan was redistributive growth, in respect of wages redistributive justice which was expected to be achieved not only by relating remuneration of various factors of production to their performance but also by reducing pay inequalities by special programmes which would help the weaker section.

India is a country with 2.5 per cent of total world area and nearly 16 per cent of world's population. Census 1981 recorded 685 millions population in the country. Uttar Pradesh is the most populous state in the country and the total population of the state in 1981 was 110,862,013, out of which male population was 58,819,276 and female population 52,042,737 showing 886 females per 1000 males.

Uttar Pradesh accounts for 16.20 per cent of the nation's total female population and 12.36 per cent of nation's urban population. Of the total female workers in Uttar Pradesh, 90.27 per cent female main workers are in rural areas and only 9.69 per cent are in urban areas, according to 1981 census. The percentage of female main workers is 8.66, in the total main workers in the state. In absolute numbers the total female labour-force in the state in 1981 stood at 28.06 lakhs, i.e. an increase of 34,000 from 1971's figure of 27.72 lakhs. A remarkable feature is that the female workers in rural areas decreased from 25.99 lakhs in 1971 to 25.34 lakhs in 1981. The figures for urban areas show an increase of 57.23 per cent. The female literacy rates in Uttar Pradesh are very low standing at 14.04 per cent (9.49 per cent in rural areas and 35.43 per cent in urban areas).

The distribution of female workers in different occupations shows that the percentage of cultivators is 47.83; agricultural labourers 35.22; those occupied in Category III -- forestry, fishing, hunting, plantation, orchards and allied activities constitutes 0.31 per cent; those in mining and quarrying are 0.04 per cent; in manufacturing, processing, servicing and repairs under Category (a) household industry the percentage is 5.21; under (b) other than household industry the percentage is 2.13; the percentage of construction workers in total female main workers is 0.28; the percentage in trade and commerce is 1.12; transport storage and industry

constitute 0.16 and in other services the percentage of female workers to total female main workers is 7.64.

Further statistics reveals that in U.P. female marginal workers constitute 5.10 per cent of the total workers, out of total main workers the percentage of female marginal workers is 4.29 in Uttar Pradesh. Cultivators constitute 58.57 per cent of the main workers in the state. Household industry, manufacturing, processing, servicing and repairs provide employment to 3.69 per cent of the total main workers. To get a clear picture we can study the percentage in all nine categories of workers to total main workers, cultivators - male 54.37 per cent, female 4.14 per cent; agricultural labourers - male 12.92 per cent, female 3.05 per cent. In Category III (Livestock, Forestry, Fishing, Mining, Plantation, Orchards and Allied Services) the percentage of males in mining and quarrying is 0.05 and that of females negligible. In Category V (Manufacturing, Processing, Servicing and Repairs) in Sub-Category (a) Household Industry males are 3.25 per cent and females 0.14 per cent (b) males are 5.12 per cent and females 0.18 per cent. In construction 1.0 per cent are males and 0.02 per cent females. Males are 4.43 per cent in Trade and Commerce and females are 0.10 per cent. In Category VIII (Transport, Storage and Communication) males constitute 2.03 per cent and females 0.01 per cent. In other services males are 7.60 per cent and females are 0.66 per cent.

The Sixth Five Year Plan had as an objective 'to secure for women a fair share of employment opportunities'. It recognised that 'one of the most important means' of achieving an improvement in the status of women is to increase their employment opportunities. The Plan set out to encourage industries outside agriculture to stimulate female employment. It also recognised the need to promote employment in what is called as 'women preferred jobs' such as office work in the textiles, chemical and electronics industries.

According to the Plan the role and potential of women in rural areas has not been 'adequately assessed and appreciated' since rural women perform a multitude of agricultural and mixed farm operations they have to be integrated in the development process more effectively and made aware of their true status and rights. If they are properly trained 'the gains in productivity and production as well as reduction in losses is expected to be substantial'.

The Sixth Plan document included a Chapter on 'Women and Development' which stresses on women's low rate of literacy and the necessity of global social change. The Seventh Five Year Plan (1985-90) includes a special component for women and multi-sectoral approach to ensure that there is convergence of programmes for their promotion. The preparation of the National Perspective Plan for Women 1988-2000 AD is a step forward with some concrete suggestions.

All these national as well as international level policies, plans and legislations have had a positive effect on women's

working status but have not reached the desired level and the expected rate of success. Unequal wages and salaries for women workers has been one of the glaring instances of inequity of the present wage structure. It is also a typical example of 'stagnation and inertia', that the wage system has continued for a long time and has been endured for so long by women. Few women use law to fight back and rising unemployment and fear of dismissal prevents many of them from pursuing complaints. 'This kind of perpetual invisibility has helped to strengthen the unwritten law that regards politics as not a women's domain in the same manner that non-acknowledgement of women's contribution to economic progress has effected their rights and positions as workers and producers'. This is therefore, a need to consider both men and women as beneficiaries of development plans and not isolate women and make special plans for them.

There is increasing evidence that the Equal Pay Act of 1976 has not achieved equal pay and opportunities in the wider sense. A study by Maria Mies reveals that landlords prefer to employ female agricultural labourers as their wages are lower than men performing the same job, men received Rs.3.0 - 5.0 for all types of work but women received only Rs.1.50 - 2.50 for an eight hours working day in 1978. For all types of work during the rabi season women got Rs.3.0 and men Rs.5.0 or 6.0. Apart from wage differentials for the same job, discrimination against female agricultural labour is strengthened by assigning lower rates for jobs traditionally done by women, e.g., weeding

transplanting, threshing, etc. Higher rates are allowed for ploughing traditionally done by men.

In the Indian industries equal pay for the sexes has received consideration by the wage boards. It is expected that these boards honour the principle of equal pay as stated in Article 39 of the Constitution. But the publicity and call for equal pay is ignored in actual practice. According to the fair wages committee, the equal pay principle does not apply when 'male work' and 'female work' is distinguished. This very notion of classifying jobs by sex is discriminatory in nature. The occupational wage survey indicates that the call for wage equity is more than often evaded.

Women in rare cases resort to court cases to fight for equal remuneration. There are several reasons for which women workers do not want to fight against the discrimination. One reason is that they still lack the collective approach and another is the insecurity which stems from the fear of dismissal of services in this age of rising unemployment. They generally do not want to go against their employer as this policy might endanger their future prospects.

A few noteworthy cases filed by women do reveal the growing awareness of women regarding their rights but the result of these cases too has not been wholly satisfactory. In 1979 C.B. Muthamma, India's first women IFS Officer filed a writ petition in the Supreme Court that two IFS rules

violated Articles 14 and 16 of the Constitution. A petition of Air Hostess of Air India and Indian Airlines in 1981 was filed against discriminatory condition and parity with male cabin crew. The Kerala High Court received a petition in 1983 against denial of jobs to women in Class IV services which was discriminatory and unconstitutional. The number of women who fight for equal pay and opportunities is still very few. There are still women who are not conscious of their rights and those who are aware of these rights are satisfied to see them on papers, this careless attitude is causing them much harm than is being realised. It gives the employer much rope to mould his pay policy he wants, it suits his profit maximising motive.

Our women have more rights than women of other countries, but there are large areas wherein women are suffering, where may be they are not conscious of their own rights said Indira Gandhi in April 1975. Besides granting various welfare laws to women, in this context, one of the provisions of the Constitution is of special significance (Article 15(3)) nothing shall prevent the state from making any special provision for women- the state discriminates in favour of women if it is found necessary. In spite of these statutory benefits and constitutional directives regarding equal pay for equal work, generally, women's remuneration ranges between 10 - 60 per cent less than men.

At the international level demand for women to join the work-force stimulated women's awakening, organisational

experiments and theoretical and practical struggles which were evolving during the late 1960s and 1970s. It helped the women's movement to become a 'powerful source of political energy a developing of theory, a battle ground and a sisterhood' (Anna Coote and Beatrin Campbell, 1982). A seminar conducted on 'A Decade of Women's Movement in India : A Review of Achievements in 1985' revealed that subtle and overt forms of discrimination do prevail. It also highlighted the fact that Indian women are developing new sensitivity and consciousness which will no longer tolerate the suffocating familial, institutional, political and cultural norms which place them in a subject status. This means that women are increasingly becoming aware of their status in society. The movement to secure equal rights for women has developed historically along four fronts, political, social, educational and economic. Perhaps the most critical of these is the economic arena. To the extent that women cannot control their own economic fates or influence the majority policy decisions which effect them, they are incapable of changing their status and conditions of economic dependence under which most of them live.

The Equal Remuneration Act of 1976 is an exercise in furthering the cause of equality - equality at work, equality regarding remuneration as well as recruitment. This Act was initiated in 1975, the International Women's Year. This Act provides for equal remuneration to men and women workers for the same work or work of a similar nature and for the prevention of discrimination on the ground of sex. According to the Act,

'Remuneration' mean the basic wage or salary and any additional emoluments whatsoever payable either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled. Some work or similar nature means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions by a man or a woman and the differences if any, between the skill, effort and responsibility required of a man and those required of a woman are not of a practical importance in relation to the terms and conditions of employment. According to the Act, it is the duty of the employer to pay equal remuneration to men and women workers for the same work or work of similar nature, no discrimination shall be made while recruiting men and women workers.

According to Equal Remuneration Act no employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force. No employer shall pay to any worker, employed by him in an establishment or employment, remuneration whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of similar nature.

Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of similar nature are different only on the ground of sex then the higher (in case where there are only two rates), or, as the case may be, the highest (in case where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers.

The appropriate Government may, by notification, appoint authorities for hearing and deciding claims and complaints, not below the rank of a Labour Officer. Every authority appointed for this purpose shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the sake of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents and every such authority shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

Any employer or worker aggrieved by any order made by an authority appointed under Sub-section (1), on a complaint or claim may, within thirty days from the date of the orders, prefer an appeal to such authority as the appropriate Government may, by notification, specify in this behalf, and that authority may, after hearing the appeal, confirm, modify or reverse the order appealed against and no further appeal shall

lie against the order made by such authority. If the authority is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the specified period allow the appeal to be preferred within a further period of thirty days but not thereafter. The provisions of Sub-section (1) of Section 33C of the Industrial Dispute Act, 1947 (14 of 1947), shall apply for the recovery of monies due from an employer arising out of the decision of an authority appointed under this section. This law was initiated and intended to meet the demand for equality in employment voiced by the working women.

For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committees to advise it with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf. Every Advisory Committee shall consist of not less than ten persons, to be nominated by the appropriate Government of which one-half shall be women. In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, nature of work, hour of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment and such other relevant factors as the Committee may think fit. The appropriate Government may, after considering

the advice tendered to it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate Government may think fit.

In this background, an attempt has been made in the study to examine the extent of discrimination on the ground of sex against women in different kinds of establishments and employment, and to find out the obstacles in the way of implementing the Equal Remuneration Act, 1976 in the State of Uttar Pradesh. Similarly, the view of workers as well as employers towards the Act have been analysed.

Scope and Objectives of the Study

The study "Implementation of Equal Remuneration Act 1976" was conducted in the State of Uttar Pradesh to assess the extent of Implementation of Equal Remuneration Act in general and to find out the obstacles in preventing its proper implementation in particular. The objectives of the study are:

- i. to examine the extent of discrimination at the work place on the ground of sex against women on the matter of employment and matters connected herewith and incidental thereto (such as with respect to nature of work, duration of work hours, sexual exploitation by supervisors, etc.);
- ii. to assess the working of the provisions relating to the principle of equal pay for equal work;

- iii. to identify and analyse the obstacles preventing the effective implementation of the Act;
- iv. to review the provisions under the Act intended to prevent discrimination on the ground of sex against women;
- v. to analyse the strategies adopted by enforcement machinery of Uttar Pradesh Government for execution of the Act;
- vi. to examine the extent of contribution made by State Advisory Committee in increasing job opportunities for women;
- vii. the awareness of the women workers with regard to discrimination; and,
- viii. the attitude or reaction of the women workers against discrimination.

The work on the research project was initiated in July 1988. Keeping in view the vastness of the universe and sample, the field survey for the study was carried out in the three areas of the state, viz., highly developed, mid-developed and backward areas. On the basis of certain development indicators, all the districts in the state were classified into three broad categories. The selected development indicators were :

- (i) percentage of literacy rate; (ii) proportion of area under commercial crops to gross cropped area; (iii) gross value of agricultural produce (per hectare net area sown); (iv) per capita net domestic output (current prices); (v) per industrial worker value added; (vi) proportion of manufacturing sector to total net output (current prices); and, (vii) length of pucca road (per 100 sq. kms.). One district from each

category was selected for detailed investigation of the project. Districts namely, Nainital from highly developed, Kanpur from mid-developed and Moradabad from backward areas were chosen as sample districts for the purpose of survey. To know the extent of implementation of the Act and its variation in different areas, the study was carried out in three districts falling in three different categories of the classification. For the purpose of comparison in the implementation of the Act, it was proposed to study the district where functional headquarters of the machineries such as, Labour Commissions, Regional Labour Commissioner, Assistant Labour Commissioner and Labour Enforcement Officer, are located, was selected. Both male and female workers were interviewed and collection of data were made through a structured questionnaire. Selection of workers (male and female) was made from different establishments of organised and unorganised sectors.

It had originally been proposed that the survey would be conducted in two large scale establishments where a good number of females are employed in each district. These, it was hoped, would cover the required sample. However, when the actual survey began, we faced problems related to getting male and female workers (pairs of workers), corresponding to same date of joining as well as similar working conditions. In order to make the study purposive, we had, therefore, to draw our sample from a number of organised as well as unorganised organisations. While framing the sample design for selection of workers, two things were mainly considered. Firstly, we

wanted to have identical category of workers (male and female) in terms of nature of work and same date of their joining on the one hand and secondly, we wanted to draw our sample correspondingly to various types of occupations (from organised as well as unorganised) so that broader picture would emerge about the sexual discrimination in employment opportunities and wages.

The total number of workers in the sample from three selected districts was 414 (207 male workers and 207 female workers). The details of district-wise sample size is given in the following table.

Table 1.1 : Districtwise Number of Workers Selected in the Sample

District	Number of Workers in the Sample				Total
	Organised sector		Unorganised sector		
	Male	Female	Male	Female	
Kanpur	36	36	30	30	132
Moradabad	37	37	27	27	128
Nainital	32	32	45	45	154
All Districts	105	105	102	102	414

The employers as well as Personnel Managers had also been interviewed and necessary information had also been collected from them. As we have already mentioned that due to non-availability of female workers in their large numbers in one single establishment or organisation, the sample size of the establishments had been altered upward. The total number of 42 employers and Personnel Managers have been surveyed and data from

them were collected through a structured questionnaire developed for this purpose. Discussions regarding the implementation of the equal remuneration act were made with the concerning officials of the enforcement authorities and similarly the members of the State Advisory Committee were also contacted in this context.

Both male and female workers from the sample organisation (organised as well as unorganised) were interviewed and data were collected through structured questionnaire. Detailed information in terms of recruitment pattern, wage structure, working hours, nature of work, other benefits, welfare schemes punishment and harassment, wage discrimination, etc., were collected from the selected workers. The individual views about the discrimination act and its implementation from the workers had also been collected.

Similarly, recruitment pattern in the establishment (Organisation), pattern of wage payment, other benefits and welfare scheme provided by the employers to the workers and other relevant informations were also collected from the selected employers and managers. Their views and attitudes towards the concept of equal remuneration act were also gathered. The role of employers and Personnel Managers in preventing the proper implementation of the act has also been examined.

CHAPTER II

GENERAL DESCRIPTION OF THE WORKERS

Demographic Structure

The families of the 414 workers (both male and female) had a total population of 2,417 persons; the average size of family being 5.83 in aggregate, 6.04 in Kanpur, 5.67 in Moradabad and 5.82 in district Nainital (Table 2.1). However, the family size of female workers was found marginally lower than family size of the male workers. The sex ratio in the sample households indicated that there were 1,078 females per 1,000 males with a variation among individual districts and among families of male workers and female workers. Data on the nature of families indicated that majority (78.50 per cent) of the families of the sample workers was nuclear in nature. This percentage was highest 90.91 per cent in district Moradabad (Table 2.1). The dependency ratio in the sample households was 2.78 among the families of female workers which was lower than in the families of male workers (3.14). The dependency ratio was higher among the families of male workers than the families of female workers. As far as average number of earning members in the families is concerned, it was always higher among the female workers in all the sample districts (Table 2.1).

Table 2.1 : Demographic Structure of the Respondents Families

District/Sex of Workers	Average size of family	Per family No. of earning members	Depen- dency ratio	Sex Ratio	Nature of Family		Per fa- mily No. of un- employed member	
					Nuclear	Joint		
1. <u>KANPUR</u>								
Male	66	5.98	1.62	3.50	1182	78.78	21.22	0.83
Female	66	6.11	2.25	2.87	1077	62.12	37.88	0.83
Total	132	6.04	1.93	3.13	1128	70.45	29.55	0.83
2. <u>MORADABAD</u>								
Male	77	5.34	1.77	3.11	995	93.51	6.49	1.09
Female	77	6.01	2.46	2.69	1105	85.71	14.29	1.51
Total	154	5.67	2.01	2.88	1052	90.91	9.09	1.31
3. <u>NAINITAL</u>								
Male	64	5.97	1.98	2.86	959	65.62	34.68	1.57
Female	64	5.67	2.18	2.73	1174	78.12	21.88	1.32
Total	128	5.82	2.08	2.79	1058	71.87	28.13	1.46
4. <u>ALL DISTRICTS</u>								
Male	207	5.74	1.79	3.14	1041	80.19	19.81	1.13
Female	207	5.94	2.21	2.78	1115	75.85	24.15	1.21
Total	414	5.83	2.01	2.93	1078	78.50	21.50	1.20

When we analyse the data on the age distribution of the workers we find that majority (64.25 per cent) of workers in the sample were in the age-group of 21 to 30 years. The second major group of workers was 31 to 40 years which accounted 24.40 per cent. The proportion of workers was 6.52 per cent who were below 20 years of age (Table 2.2). However a marginal variation has been recorded in the proportion of different age groups of male workers and female workers. The proportion of female

Table 2.2 : Age Distribution of the Sample Workers

District/Sex	Age Group of the Workers (Years)				Total
	Below 20	21-30	31-40	41-50	
1. <u>KANPUR</u>					
Male	1.52	45.45	40.90	12.13	66
Female	4.54	45.45	36.37	13.64	66
Total	3.03	45.45	38.64	12.88	132
2. <u>MORADABAD</u>					
Male	10.39	63.64	23.38	2.59	77
Female	10.39	62.34	25.98	1.29	77
Total	10.39	62.99	24.67	1.95	154
3. <u>NAINITAL</u>					
Male	1.56	92.19	6.25	-	64
Female	9.38	78.12	12.50	-	64
Total	5.47	85.16	9.37	-	128
4. <u>ALL DISTRICTS</u>					
Male	4.38	66.66	23.68	4.83	207
Female	8.21	61.83	25.13	4.83	207
Total	6.52	64.25	24.40	4.83	414

workers was larger who were below 20 years of age as compared to the male workers. The analysis of comparative data on the age structure of the workers of individual districts revealed that there was also significant variation in the proportion of workers in different age-groups of the workers.

Educational Level Among Workers

Data on educational level of the workers in the sample revealed that the proportion of female worker was higher who were illiterates as compared to the male workers. Similarly

the proportion of female workers was higher who were below 20 years of age as we have already indicated. It highlights the fact that female without any education from the poor sections of society starts to earn livelihood at the early-age. The proportion of female workers was 29.96 per cent who were uneducated whereas among the male workers 17.87 per cent were found illiterates (Table 2.3). Most of the illiterate workers were employed on daily wages and were primarily engaged either in agriculture, construction or in other manual jobs. The workers who were simply able to read and write constituted 2.90 per cent in the total sample with no variation among male and female workers. The proportion of workers who were educated upto graduate and above was recorded higher among the female workers as compared to male workers (Table 2.3). The workers, who were either graduate or more were found working as teachers in Schools, Clerk in Banks, LIC and other organizations, telephone operator and other technical departments. The overall educational qualifications of workers in district Kanpur and Moradabad was higher than the educational qualifications of the workers in district Nainital. However, the illiteracy rate among the female workers was highest in district Kanpur.

Data pertaining to the religious and social background of the sample workers indicated that 90.58 per cent workers were belonging to Hindu religion, 8.46 per cent to Muslim, 0.48 per cent to Sikh and 0.48 per cent to Christian. The districtwise figures in this respect have shown a variation. Similarly

Table 2.3 : Educational Standard of the Respondents

DISTRICT/Sex	Total Work- ers in the sample	Educational Level of the Workers						
		Illit- erate	Lite- rate	Upto Vth	J.H.S.	H.S.	Inter- mediate	Gradu- ate & Above
1. <u>KANPUR</u>								
Male	66	15.15	1.51	13.64	10.60	3.03	12.13	43.94
Female	66	36.36	-	-	3.03	6.06	7.58	46.97
Total	132	25.76	0.75	6.82	6.82	4.54	9.85	45.46
2. <u>MORADABAD</u>								
Male	77	18.18	3.90	6.49	3.90	5.20	12.98	49.35
Female	77	25.98	1.30	-	3.90	6.49	12.98	49.35
Total	154	22.08	2.60	3.25	3.90	5.84	12.98	49.35
3. <u>NAINITAL</u>								
Male	64	20.33	3.12	7.81	3.12	10.93	37.50	17.19
Female	64	28.13	7.81	-	-	10.93	31.25	21.88
Total	128	24.22	5.47	3.90	1.56	10.93	34.38	19.54
4. <u>ALL DISTRICTS</u>								
Male	207	17.87	2.90	9.17	5.79	6.29	20.29	37.69
Female	207	29.96	2.90	-	2.41	7.73	16.90	40.90
Total	414	23.92	2.90	4.59	4.10	7.00	18.60	38.89

when we analyse the workers according to the social classification we find that the workers from SC/ST constituted 28.74 per cent. The proportion of workers from other backward castes was 13.04 per cent and the rest were from other general castes. The proportion of female workers belonging to SC/ST and other backward castes was relatively higher than the proportion of male workers. The marital status of the sample workers indicated that about 70 per cent of the workers were married however this percentage varied among male and female workers. Taking

all the sample workers together, it is found that 29.95 per cent workers were unmarried but the female workers were married at a higher rate. There were few workers where separation has taken place and their proportion was 0.24 per cent.

Nature of Employment Ventures

The ventures from which the sample workers were selected were agriculture, construction, industry and services. The distribution of workers engaged in different ventures indicated that 8.69 per cent workers were employed in agriculture, 19.32 per cent in construction, 34.79 per cent in industry and 37.20 per cent in service sector (Table 2.4). The districtwise proportion of workers employed in different sectors varied. In agriculture sector, 9.10 per cent of the sample workers in district Kanpur were employed, whereas 18.75 per cent workers were employed in this sector in district Nainital. The proportion of workers employed in industry sector was highest (65.63 per cent) in district Nainital and it was lowest (15.58 per cent) in Moradabad. However, in the construction and service sectors the proportions of the workers were highest in district Moradabad (Table 2.4).

Pattern and Nature of Employment Among the Workers

Informations regarding the nature of employment among the workers were collected from the sample workers. By examining the nature of employment among the workers not only the

Table 2.4 : Ventures of the Sample Workers

DISTRICT/Sex	Total Work- ers in the sample	Nature of Workers' Venture			
		Agric- ulture	Constr- uction	Industry	Service
1. KANPUR					
Male	66	9.10	15.15	27.27	48.48
Female	66	9.10	15.15	27.27	48.48
Total	132	9.10	15.15	27.27	48.48
2. MORADABAD					
Male	77	-	25.98	15.58	58.44
Female	77	-	25.98	15.58	58.44
Total	154	-	25.98	15.58	58.44
3. NAINITAL					
Male	64	18.75	15.62	65.63	-
Female	64	18.75	15.62	65.63	-
Total	128	18.75	15.62	65.63	-
4. ALL DISTRICTS					
Male	207	8.69	19.32	34.79	37.20
Female	207	8.69	19.32	34.79	37.20
Total	414	8.69	19.32	34.79	37.20

magnitude of discrimination on the basis of sex could be measured, but also some clue in this direction can be found out. Data pertaining to the nature of employment among the male and female workers surveyed, indicated that 66.19 per cent of the total workers were employed on regular basis and remaining 33.81 per cent were found working on contract basis (Table 2.5). In the category of regular basis of employment, workers were employed as permanent, temporary and casual. Similarly, on contract basis of work, some of the workers were employed on daily basis and some were working on piece rate basis.

Table 2.5 : Nature of Present Employment Among the Workers

(percentage Distribution of the Workers)

DISTRICT/Sex	Total workers in the sample	Regular Employment			Total	Contract Work		
		Perma- nent	Tempo- rary	Casual		Daily Basis	Piece Rate	Total
1. <u>KANPUR</u>								
Male	66	16.67	27.28	10.60	54.55	36.37	9.08	45.45
Female	66	16.67	15.15	22.73	54.55	36.37	9.08	45.45
Total	132	16.67	21.21	16.67	54.55	36.37	9.08	45.45
2. <u>MORADABAD</u>								
Male	77	33.77	37.66	-	71.43	25.97	2.60	28.57
Female	77	33.77	37.66	-	71.43	25.97	2.60	28.57
Total	154	33.77	37.66	-	71.43	25.97	2.60	28.57
3. <u>NAINITAL</u>								
Male	64	57.81	7.81	7.81	73.43	26.57	-	26.57
Female	64	54.69	7.81	7.81	70.31	29.69	-	29.69
Total	128	56.25	7.81	7.81	71.87	28.13	-	28.13
4. <u>ALL DISTRICTS</u>								
Male	207	35.75	25.12	5.78	66.65	29.48	3.87	33.35
Female	207	34.78	21.25	9.66	65.69	30.45	3.86	34.31
Total	414	35.27	23.19	7.73	66.19	29.95	3.86	33.81

When we look at the over all employment pattern separately among male and female workers in the sample we find that the proportion of regular employment was 66.65 per cent among the male workers where as the proportion regular employment among female workers was 65.69 per cent. On the other side the proportion of female workers employed on contract work was relatively higher (34.31 per cent) as compared to male workers (33.31 per cent). In the category of regular employment, the proportion of workers which had permanent and temporary nature of job among female workers was 34.78 per cent and 21.25 per cent respectively, which was

comparatively lower to male workers (Table 2.5). Employment on casual basis, was at a higher rate among the female workers as compared to male workers. Similarly daily basis employment constituted 29.48 per cent among female workers and 30.49 per cent among male workers (Table 2.5).

In the individual districts, there was variation in the proportions of workers among males and females as far as nature of employment is concerned in all categories except in district Moradabad where variation has not been observed in the pattern of employment among male and female of the sample workers. In district Kanpur, the proportion of workers employed in casual and daily basis were significantly higher among female workers as compared to male workers and this kind of variation was found relatively lower in other sample districts.

Sources of Getting Present Employment

Data pertaining to sources of getting the present employment among the sample workers revealed that 54.11 per cent workers had been appointed through interviews. Some of the workers got the present job through their family members as reported by 13.77 per cent of the workers. There were cases where the sample workers got the present job through other workers. The proportion of workers was 12.32 per cent who managed through their personal contacts. The middlemen and commission agents had also been source of getting job for 4.32 per cent of the workers (Table 2.6). The sources by which the

sample workers got the present job varied according to the nature of employment as well as nature of ventures in which they were working. The individual districts had not similar pattern in the sources of getting job. In district Kanpur, the family members had arranged jobs for the highest percentage of sample workers whereas the proportion of workers was highest in district Moradabad to whom middlemen and commission agents had been a source of getting job (Table 2.6).

Table 2.6 : Source of Getting the Present Job

DISTRICT/Sex	Total	Type of Source				
	workers in the sample	Family members	Other workers	Personal contact	Inter-view	Middle-men and Commission agents
1. <u>KANPUR</u>						
Male	66	15.15	18.18	19.70	45.46	1.51
Female	66	37.88	12.13	7.57	40.91	1.51
Total	132	26.51	15.15	13.64	43.19	1.51
2. <u>MORADABAD</u>						
Male	77	5.19	12.99	14.28	58.45	9.09
Female	77	7.79	12.99	10.39	58.45	10.38
Total	154	6.49	12.99	12.34	58.45	9.73
3. <u>NAINITAL</u>						
Male	64	3.12	21.88	12.50	60.94	1.56
Female	64	15.63	12.50	9.37	59.38	3.12
Total	128	9.37	17.19	10.94	60.16	2.34
4. <u>ALL DISTRICTS</u>						
Male	207	7.73	17.40	15.46	55.07	4.34
Female	207	19.80	12.57	9.18	53.15	5.30
Total	414	13.77	14.98	12.32	54.11	4.82

When the data are analysed according to male and female workers regarding the sources of present job, it is found that the family members had arranged job for a higher number of female workers than for the male workers. Similarly, the proportion of female workers was higher who got the present job through middlemen/commission agents as compared to male workers (Table 2.6). Generally, females have less mobility, as a result the proportion of female workers was recorded less who got the job through personal contacts. However, they constituted 9.18 per cent while 15.46 per cent male workers had got employment through personal contacts. Basically, this source had been practiced in the unorganised sector in general and workers employed on daily wages in particular.

Technical Qualification and Experience Among the Workers

Looking at the data regarding the length of services in present job among the sample workers, it is found that about 30 per cent of the workers were working for more than three years. The proportion of workers was 45.90 per cent whose period of service in the sample establishment was one to three years. The length of service was less than 6 months in the case of 15.22 per cent workers (Table 2.7). When the data regarding the length of services among the workers are analysed in the individual districts it is found that the proportion of workers was significantly higher who were working for the last more than one year in district Kanpur. Similarly the proportion of workers was higher in district Moradabad who were working present job for less than six months.

Table 2.7 : Level of Employment and Length of Services in the Present Job

DISTRICT/Sex	Total workers in sample	No. of workers who reported in employment throughout the year	Length of Service in present job			
			Below 6 months	7 to 12 months	1 to 3 years	Above 3 years
1. <u>KANPUR</u>						
Male	66	75.75	9.10	10.60	48.48	31.82
Female	66	77.27	9.10	10.60	48.48	31.82
Total	132	76.51	9.10	10.60	48.48	31.82
2. <u>MORADABAD</u>						
Male	77	100.00	16.88	9.10	45.45	28.57
Female	77	100.00	16.88	9.10	45.45	28.57
Total	154	100.00	16.88	9.10	45.45	28.57
3. <u>NAINITAL</u>						
Male	64	81.25	15.62	10.94	48.44	25.00
Female	64	84.37	15.62	10.94	48.44	25.00
Total	128	82.81	15.62	10.94	48.44	25.00
4. <u>ALL DISTRICTS</u>						
Male	207	86.47	14.02	10.14	47.34	28.50
Female	207	87.92	14.02	10.14	47.34	28.50
Total	414	87.19	14.02	10.14	47.34	28.50

As we have discussed earlier that the nature of employment among the sample workers was not in similar pattern. Some of them were employed on daily and casual basis while some of them were permanent. It has been seen that out of the total sample workers, 87.19 per cent workers were getting employment throughout the year. There was no significant variation in the proportion of workers among male and female workers who were not getting employment throughout the year. However, among the individual districts a noticeable variation has been

observed in this context. In district Moradabad all the sample workers were getting employment throughout the year (Table 2.7). The number of workers who were getting employment throughout the year was lowest among the workers in district Kanpur,

When we examine the level of training and experience about the work among the sample workers it is found that 46.63 per cent workers had neither any training or experience about the work. However, the proportion of workers who had no training and experience was found higher among the female workers as compared to male workers. The workers who had professional training constituted 13.28 per cent in the total sample. About 20 per cent of the workers had their technical training. Among the female workers, 18.84 per cent had technical training whereas this figure was 22.22 per cent among the male workers (Table 2.8). Those who had neither training nor experience, were engaged in construction, agriculture and other sectors.

Table 2.8 : Level of Training and Experience About the Work

DISTRICT/Sex	(In percentage)				
	Total Respondents in the sample	Respondents having professional training	Respondents having technical training	Respondents having experience	Respondents having no training or experience
1. <u>KANPUR</u>					
Male	66	12.12	9.09	34.84	43.95
Female	66	21.21	6.06	16.66	56.07
Total	132	16.66	7.57	25.75	50.01
2. <u>MORADABAD</u>					
Male	77	10.39	3.89	16.88	68.84
Female	77	9.09	2.29	14.28	74.34
Total	154	9.74	3.09	15.58	71.59
3. <u>NAINITAL</u>					
Male	64	26.56	28.12	35.93	9.39
Female	64	18.75	34.37	25.00	21.28
Total	128	22.65	31.24	30.46	15.34
4. <u>ALL DISTRICTS</u>					
Male	207	13.04	22.22	24.15	40.59
Female	207	13.52	18.84	14.97	52.67
Total	414	13.28	20.53	19.56	46.63

CHAPTER III

COMPARATIVE PICTURE OF WAGE RATES AND OTHER FACILITIES BETWEEN MALE AND FEMALE WORKERS

After discussing the socio-economic background of the sample workers, nature of ventures (establishments) in which they were employed, pattern and nature of their employment and other matters related to employment, now we will examine the wage structure of sample workers, differentials in the remunerations according to nature of employment in different activities on the basis of sex and the welfare schemes extended to the workers by the employers.

Wages and Salaries of the Workers in Organised and Unorganised Sectors

Data pertaining to structure of wages and salaries among the sample workers indicated wage differentials between the male and female workers. Taking all the sample workers together, it was found that per worker average monthly wages or salary was Rs.808 among male workers and Rs.791 among the female workers showing wages of female workers 2.10 per cent less than the wages of the male workers (Table 3.1). The degree of discrimination measured as ratio of male to female wages was found thus highly significant in the informal sector of the labour market. The analysis of data regarding wage structure of workers according to organised and unorganised sectors revealed that wage differentials among male and female

workers were found in the unorganised sector. However, wage differentials on the basis of sex of the workers was not recorded in organised sector in any sample district. Over all, wages of female workers employed in organised sector was recorded 5.30 per cent less than the wages of the male workers. The wage differentials in unorganised sector on the basis of sex was found in each sample district with a variations in its differentials. The wage differentials between male and female workers in unorganised sector varied from one district to another (Table 3.1). The discrimination is thus result of a system of production based on wage labour. It does not necessarily seem inherent in differences in productivity and performance between men and women but is practised by the employers taking advantage of certain unfavourable characteristics of women labour.

In the individual sample districts, wage discrimination against women in unorganised sector was found highest in district Kanpur and lowest in district Moradabad (Table 3.1). In district Kanpur, the women workers were getting wages 3.63 per cent less than wages of male workers, whereas the wages and salaries of the female workers was 1.02 per cent less than the wages of male workers in district Moradabad. The wage discrimination against women was recorded 1.85 per cent in district Nainital. The high degree of wage discrimination against women workers in the district like Kanpur where the functional headquarters of the implementing machineries of equal remuneration Act are located, highlights the drawbacks

in the implementation of the Act in the State of Uttar Pradesh and the implementing authorities had been ineffective in removing the wage discrimination against women workers employed in unorganised sector.

Table 3.1 : Pattern of Wages or Salary in Organised and Unorganised Sectors

DISTRICT/ Sector	Per worker average mon- thly wages or salary (Rs.)		Mode of Pay- ment (Cash)		Periodicity of Payments			
					Weekly		Monthly	
	Male	Female	Male	Female	Male	Female	Male	Female
1. KANPUR								
(a) Organised	802	802	100.00	100.00	5.56	19.45	94.44	80.55
(b) Unorganised	598	558	100.00	100.00	26.67	26.67	73.33	73.33
(c) Total	717	691	100.00	100.00	15.15	22.73	84.85	77.27
2. MORADABAD								
(a) Organised	1484	1484	100.00	100.00	-	-	100.00	100.00
(b) Unorganised	458	442	100.00	100.00	44.44	44.44	55.56	55.56
(c) Total	884	875	100.00	100.00	25.97	25.97	74.03	74.03
3. NAINITAL								
(a) Organised	985	985	100.00	100.00	-	-	100.00	100.00
(b) Unorganised	573	536	100.00	100.00	59.26	70.37	40.74	29.63
(c) Total	811	796	100.00	100.00	25.00	29.69	75.00	70.31
4. ALL DISTRICTS								
(a) Organised	1074	1074	100.00	100.00	1.91	6.67	98.09	93.33
(b) Unorganised	528	500	100.00	100.00	43.14	46.08	56.86	53.92
(c) Total	808	791	100.00	100.00	22.22	26.09	77.78	73.91

The source of wage discrimination against women is, therefore, to be sought in the nature of supply and demand of labour. The labour market as a whole is found discriminating against women in

terms of availability of job opportunities. The occupations and organisations in which women could find work are limited as compared to opening for men. The relative lack of demand for women labour seems a result primarily of socio-historical reasons rather than differences in the real economic value of the contribution of men and women labour.

Nature of Employment and Wage Discrimination

As has already been mentioned that differentials were recorded in the wages or salaries on the basis of sex of workers employed in only unorganised sector. When data regarding the monthly wages or salaries among the male and female workers are analysed according to nature of employment, it is found that the wage differentials between male and female workers was recorded highest 17.36 per cent among the workers employed in piece rate basis (Table 3.2). In permanent nature of employment, the wages or salaries of female workers was recorded 11.75 per cent less than male workers. The wage discrimination between male and female workers was found lowest in temporary employment and in this category the wages of female workers was 1.22 per cent less than male workers. Similarly, the female workers were getting 7.30 per cent and 6.05 per cent less than the wages of male workers employed on casual and daily basis.

In the individual sample districts, the discrimination in remuneration on the basis of sex was found of the lowest magnitude in district Moradabad where the wages of female workers

was 1.22 per cent and 5.16 per cent less than male workers employed on temporary and daily basis. However, the rate of wage differentials was recorded highest among male and female workers employed on casual and piece rate basis in district Kanpur, whereas in district Nainital the rate of wage differentials between male and female workers among those employed on permanent and daily basis was recorded highest on the basis of sex (Table 3.2).

Table 3.2 : Wage Differentials Between Male and Female Workers in Unorganised Sector According to Nature of Employment

District	Regular Employment			Contract Work	
	Perma- nent	Tempo- rary	Casual	Daily Basis	Piece Rate
1. <u>KANPUR</u>					
Male	795	-	430	377	442
Female	725	-	357	358	342
Wage Differentials (Percentage)	(8.80)	-	(16.97)	(5.03)	(22.62)
2. <u>MORADABAD</u>					
Male	-	490	-	426	400
Female	-	484	-	404	400
Wage Differentials (Percentage)	-	(1.22)	-	(5.16)	-
3. <u>NAINITAL</u>					
Male	670	-	660	519	-
Female	600	-	660	482	-
Wage Differentials (Percentage)	(10.44)	-		(7.12)	-
4. <u>ALL DISTRICTS</u>					
Male	757	490	534	446	432
Female	668	484	495	419	357
Wage Differentials (Percentage)	(11.75)	(1.22)	(7.30)	(6.05)	(17.36)

The workers in the sample were employed in different activities such as agriculture, construction, industries and services. Looking at the data on wage differentials between male and female workers employed in different nature of work in the sample districts, it is revealed that there had been wage discrimination of varied magnitude against female workers employed in different nature of work. The rate of wage differentials varied from 8.33 per cent in agriculture to 1.02 per cent in service sector (Table 3.3). In construction and industries, the rate of wage differentials between male and female was recorded 6.85 per cent and 1.37 per cent respectively. The female workers employed in agriculture were getting 11.95 per cent less wages than their male counterparts in district Nainital. However, there was no discrimination against female workers employed in agriculture in district Kanpur because the agricultural farm in our sample was managed by government in the district. In the construction activity, wage discrimination on the basis of sex was registered at a highest rate (20.64 per cent) in district Kanpur and lowest (5.16 per cent) in district Moradabad. However, in district Nainital, discrimination in the wages was not found in construction activity because the sample workers employed in construction activity was undertaken by organised agency in the district (Table 3.3). Similarly, in industry sector the wages of female workers was equal to male workers in district Nainital. However, the wages of female workers employed in industry sector was 1.06 per cent and 4.59 per cent less than the male workers in districts Kanpur and Moradabad respectively.

The wage differentials among male and female workers employed in service sector was higher in district Kanpur as compared to Moradabad. There was no sample of workers employed in service activity in unorganised sector in district Nainital. The wages of female workers was 2.41 per cent less than male workers in district Kanpur while it was 0.25 per cent in district Moradabad (Table 3.3).

Table 3.3 : Wage Differentials Between Male and Female Workers Employed in Different Nature of Work in the Sample Districts

Nature of Work	(Monthly Wages/Salaries in Rs.)							
	Kanpur		Moradabad		Nainital		All Districts	
	Male	Female	Male	Female	Male	Female	Male	Female
1. Agriculture	391	391	-	-	435	383 (11.95)	420	385 (8.33)
2. Construction	441	350 (20.63)	426	404 (5.16)	690	690	496	462 (6.85)
3. Industries	660	653 (1.06)	522	498 (4.59)	947	947	801	790 (1.37)
4. Service	912	890 (2.41)	1184	1181 (0.25)	-	-	1075	1064 (1.02)
5. Total	717	691 (3.62)	884	875 (1.01)	811	796 (1.84)	808	791 (2.10)

Note : Figures in brackets are the percentages by which the wages of female workers are lesser as compared to male workers in each category of employment.

Thus data regarding the wage differentials among male and female workers revealed that agriculture and construction activities are the major areas of unorganised sector where women workers are exploited and the Equal Remuneration Act was being violated through the policy of wage discrimination at a higher rate than women workers employed in other activities.

It has already been indicated that discrimination against female was found only in unorganised sector. So when we look at only the unorganised sector (Table 3.3(a)) the discrepancies between male, female earnings in industries and service sector get highlighted a greater degree. In Kanpur, for instance females were earning 8.19 per cent lower than the males in unorganised industries whereas their earnings are lower by around 7.5 per cent in unorganised services. Similarly in Moradabad females in the unorganised services were earning around 3.00 per cent less than their male counterparts. Taking all sectors together in all districts, discrimination in agriculture was the order of around 12.00 per cent, around 7.00 per cent in construction and around 6.00 per cent in services. It was lowest in the case of industries (around 3.00 per cent).

Table 3.3(a) : Wage Differentials in Unorganised Sector Among Male and Female Workers employed in Different Nature of Work

Nature of Work	(Monthly Wages and Salaries in Rs.)							
	Kanpur		Moradabad		Nainital		All Districts	
	Male	Female	Male	Female	Male	Female	Male	Female
1. Agriculture	-	-	-	-	435	383 (11.95)	435	383 (11.95)
2. Construction	441	350 (20.63)	426	404 (5.16)	690	690	496	462 (6.85)
3. Industries	610	560 (8.19)	522	498 (4.59)	671	671	570	552 (3.15)
4. Service	628	581 (7.48)	446	433 (2.91)	-	-	552	519 (5.97)
Total	598	558 (6.68)	458	442 (3.49)	573	536 (6.45)	528	500 (5.30)

Note : Figures in brackets are the percentages by which the wages of female workers are lesser as compared to male workers in each category of employment.

Mode of Payments

As far as mode of payment is concerned it has been found that all the sample workers whether employed in organised or unorganised sector, were getting their wages or salaries in cash irrespective of sex.

Looking at the data on periodicity of payments of wages and salaries among the sample workers it was found that about three-fourths of the workers were getting their wages or salaries on monthly basis and remaining were getting on weekly basis (Table 3.1). The periodicity of wage payments among the male and female workers indicated that 22.22 per cent of male workers were getting their wages or salaries on weekly basis while the female workers constituted 26.09 per cent who were being paid on weekly basis. The proportion of workers among males was higher (77.78 per cent) who were getting their salaries or wages on monthly basis as compared to female workers (73.91 per cent)..

Sectorwise analysis regarding the periodicity of payment among the workers revealed that the workers ^{in organised sector} who were getting wages on weekly basis constituted 1.91 per cent among the females and 6.67 per cent among males while the respective proportions of male and female workers were 43.14 per cent and 46.08 per cent who were being paid on weekly basis in unorganised sector (Table 3.1). In organised sector, all the sample workers were getting their remunerations on monthly

basis in districts Moradabad and Nainital. However, in these districts, the proportion of workers (male as well as female) was found higher who were getting their wages on weekly basis in unorganised sector.

Deduction made from the Salaries and Wages

During investigation it has been observed that some portion of the salaries and wages were deducted from the sample workers as a security as well as in the form of Provident Fund. Taking all the sample workers together, 48.31 per cent workers reported that some portion of their wages or salaries were being deducted. Variations had not been found in the proportions of the workers among male and female workers who reported about deduction from salaries or wages (Table 3.4). However variations had been found in the proportion of workers who reported about the deduction from wages and salaries among the workers of organised and unorganised sectors. In organised sector 81.08 per cent of the workers (male as well as female) reported about the deduction while this figure was only 14.71 per cent among the workers employed in unorganised sector (Table 3.4). The deducted amount from the wages and salaries of the workers is refundable as pointed out by all the workers from whom deduction had been made. Generally, deduction has not been made from the wages of the workers who were employed on daily and contract basis. The rate of deduction from salaries or wages was not found similar among all the workers in the sample as it depends on the nature of employment, nature of job and nature of establishment. Variat-

Table 3.4 : Pattern of Deduction from the Salary or Wages of the Sample Workers

District/ Sector	No. of Work- ers in the sample		Respondents reporting deduction		Provision of Refund- ing the deduction		Per worker monthly deduction (Rs.)	
	Male	Female	Male	Female	Male	Female	Male	Female
1. KANPUR								
(a) Organised	36	36	58.33	58.33	100	100	165	163
(b) Unorganised	30	30	20.00	20.00	100	100	115	105
(c) Total	66	66	40.90	40.90	100	100	154	150
2. MORADABAD								
(a) Organised	32	32	100.00	100.00	100	100	172	188
(b) Unorganised	45	45	20.00	20.00	100	100	48	43
(c) Total	77	77	53.25	53.25	100	100	145	156
3. NAINITAL								
(a) Organised	37	37	81.08	81.08	100	100	110	126
(b) Unorganised	27	27	-	-	-	-	-	-
(c) Total	64	64	46.87	46.87	100	100	164	73
4. ALL DISTRICTS								
(a) Organised	105	105	80.95	80.95	100	100	147	159
(b) Unorganised	102	102	14.71	14.71	100	100	75	68
(c) Total	207	207	48.31	48.31	100	100	136	142

ion had been found in the rate of deduction between organised and unorganised sectors. Per worker average monthly deduction was recorded Rs.136.00 among male workers and Rs.142.00 from female workers, taking all the sample workers together (Table 3.4). Mostly the workers from both the sectors, some of the sample districts reported deduction except the workers employed in unorganised sector in district Nainital. The per worker monthly deduction among female workers was recorded highest Rs.156.00 in district Moradabad and among all male workers it

was highest Rs.154.00 in district Kanpur (Table 3.4).. The per worker average monthly deduction was lower among the workers employed in unorganised sector as compared organised sector. Similarly, the proportion of workers who reported deduction was also reported significantly lower among the workers employed in unorganised sector.

Changes in the Remuneration During Last Three Years

Asking about the changes in the salaries and wages of the workers during the last three years, the information revealed that there has been differentials in the proportion of workers among male and female who reported any change in their salaries and wages and it was recorded that 80.67 per cent among male and 77.29 per cent among female workers reported that their salaries and wages had been increased during last three years (Table 3.5). When data regarding the changes in the salaries or wages of the workers are analysed according to sectorwise employment, it was found that the proportion of such workers was higher in organised sector as compared to unorganised sector. Similarly, differentiation had been observed in the proportion of workers reported the changes among the male and female workers. In district Moradabad, all the sample workers from organised sector had reported that their salaries or wages had been changed during last three years and however, the higher proportion of female workers in unorganised sector reported the change as compared to male workers. All the workers, who reported about the change, had pointed out that their salaries or wages has been increased (Table 3.5).

Table 3.5 : Salary/Wages of Respondents Have Been Changed During Last Three Years

District/Sector	Total Sample Size		Respondents report- ing about changes in salary/wages during last 3 years			
	Male	Female	Male	Female	Male	Female
1. <u>KANPUR</u>						
(a) Organised	36	36	86.11	75.00	100	100
(b) Unorganised	30	30	83.33	66.67	100	100
(c) Total	66	66	84.85	71.21	100	100
2. <u>MORADABAD</u>						
(a) Organised	32	32	100.00	100.00	100	100
(b) Unorganised	45	45	57.78	66.67	100	100
(c) Total	77	77	75.32	80.51	100	100
3. <u>NAINITAL</u>						
(a) Organised	37	37	86.49	83.78	100	100
(b) Unorganised	27	27	77.78	74.07	100	100
(c) Total	64	64	82.81	79.68	100	100
4. <u>ALL DISTRICTS</u>						
(a) Organised	105	105	90.48	85.71	100	100
(b) Unorganised	102	102	70.59	68.63	100	100
(c) Total	207	207	80.67	77.29	100	100

Workers' Welfare Schemes in the Establishments

Information on the provision of various schemes for the welfare of workers, such as bonus, provident fund, gratuity, pension and annual increment in the employment was collected from the sample workers. Looking at the data on the welfare scheme provided to the workers in the organisation/establishments in which they were employed, it was found that such welfare schemes were not extended to all the workers in the

sample. Generally, such schemes were provided to limited number of workers employed in the unorganised sector (Table 3.6).

The coverage of such schemes among the sample workers indicated a clear-cut picture of discrimination against women workers and analysis of data regarding the welfare schemes in the establishments has shown a biased approach towards the male workers. Taking all the sample districts together, it was found that the provision of bonus was being extended to 29.49 per cent male workers and 26.57 per cent female workers. Provision of bonus was reported by the higher proportion (42.19 per cent male and 37.50 per cent female) of workers in organised sector as compared to workers employed in unorganised sector where 4.90 per cent of male workers and 3.92 per cent female workers were being given bonus. However, there was no provision of bonus among the workers employed in unorganised sector in districts Kanpur and Moradabad (Table 3.6).

The scheme of Provident Fund was reported by 38.65 per cent male workers and 36.23 per cent female workers in the total sample. Discrimination based on sex of the workers was recorded among the workers employed in organised as well as unorganised sectors, and variation was found in the proportions of workers employed in organised and unorganised sectors reporting provision of Provident Fund. In organised sector, the proportion of workers was 70.48 per cent among males and 66.66 per cent among females who reported about the Provident

Fund while the proportions of workers employed in unorganised sector were 5.88 per cent and 4.90 per cent among males and females respectively about the scheme. (Table 3.6). The individual districts had shown the almost equal degree of discrimination against female workers in providing the scheme of Provident Fund. Similarly, the male workers were covered under gratuity scheme at a higher percentage than to the female workers as reported by 12.08 per cent male workers and 10.63 per cent female workers. The gratuity scheme was not extended to the workers employed in unorganised sector in all the sample districts. Among the sample districts, the proportion of workers reporting provision of gratuity varied with almost equal degree of sexual discrimination in organised sector.

Provision of pension was reported by merely 3.86 per cent workers (male as well as female) in the total sample and this scheme was pointed out by the workers in district Nainital only. Furthermore, this provision was provided only to the workers employed in organised sector of the district. When the data on the provision of pension is looked in district Nainital, it was found that 12.50 per cent workers were covered under the scheme with no discrimination according to sex of the workers. As far as provision of annual increment is concerned, it was found that over-all, about half of the sample workers had reported the provision of annual increment.

The workers employed in organised as well as unorganised sectors with varied proportions among the districts had pointed

Table 3.6 : Workers' Welfare Scheme in the Establishments and Organisations

District/ Sector	Total Sample size	Percentage of Workers getting different types of provisions in job										Annual Increment	
		Bonus		Provident Fund		Gratuity		Pension		Annual Increment			
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
<u>1. KANPUR</u>													
(a) Organised	36			33.33	30.55	61.11	58.33	27.78	25.00	-	-	63.89	61.11
(b) Unorganised	30			-	-	20.00	16.67	-	-	-	-	56.67	53.33
(c) Total	66			18.18	16.66	42.42	39.39	15.15	13.63	-	-	60.61	57.57
<u>2. MORADABAD</u>													
(a) Organised	32			68.75	62.50	62.50	59.38	18.75	15.63	-	-	90.63	87.50
(b) Unorganised	45			-	-	-	-	-	-	-	-	20.00	15.55
(c) Total	77			28.57	25.97	25.97	24.67	7.79	6.49	-	-	49.35	45.45
<u>3. NAINITAL</u>													
(a) Organised	37			59.46	54.05	86.49	81.08	24.32	21.62	21.62	21.62	86.48	81.08
(b) Unorganised	27			18.52	14.81	-	-	-	-	-	-	-	-
(c) Total	64			42.19	37.50	50.00	46.87	14.06	12.50	12.50	12.50	50.00	46.06
<u>4. ALL DISTRICTS</u>													
(a) Organised	105			53.33	48.57	70.48	66.66	23.80	20.95	7.62	7.62	80.00	76.19
(b) Unorganised	102			4.90	2.92	5.88	4.90	-	-	-	-	23.53	22.54
(c) Total	207			29.47	26.57	38.65	36.23	12.08	10.63	3.86	3.86	52.17	49.76

out that they availed the annual increment except by the workers employed in unorganised sector in district Nainital (Table 3.6). The proportion of workers reporting about annual increment was considerably higher in organised sector than the workers employed in unorganised sector.

There were certain other benefits, such as concessional clothes, provision of overtime and free transport, provided by the employers to the sample workers. These benefits were reported by 12.07 per cent of the male workers and 14.00 per cent of the female workers in the total sample. The coverage of such benefits to the workers was reported by a higher proportion of workers in district Nainital as compared to other sample districts. There was no discrimination on the basis of sex in extending these benefits. In district Kanpur, the workers employed in textile industries were getting clothes on concessional basis, and on the other hand in district Nainital there was free transport provision from work place to the residence of the workers in one or two establishments. Similarly, 7.79 per cent of male workers and 11.68 per cent of female workers were availing the overtime facility.

Personal Practices

While analysing the data regarding the level of wages and salaries of the workers and coverage of other welfare schemes in the work place provided by the employers in the sample districts, we found that not only there had been dis-

crimination against women in terms of remuneration for the same nature of job but also variation has been observed among the male and female workers in other welfare schemes provided by the employers. Let us now examine the coverage of personal practices such as weekly holiday, earned leave, casual leave, maternity leave, medical leave and insurance against accident in the establishments or organisations where the sample workers were employed.

Data pertaining to coverage of such schemes among workers revealed that these provisions had not been extended to all the sample workers and differentials were recorded in the proportions of workers among male and female workers who were availing these facilities (Table 3.7). The other point which is very significant to note that the proportion of workers availing these facilities was comparatively higher in organised sector than the proportion of workers employed in unorganised sector. Weekly holiday was reported by all the sample workers (male as well as female) employed in organised sector in districts Moradabad and Nainital. Similarly, provision of casual leave was reported by all the sample workers employed in organised sector in district Moradabad only (Table 3.7). In district Kanpur all the facilities, such as weekly holiday, earned leave, casual leave, maternity leave, medical leave and other provisions was reported by workers at a lowest proportion among all sample districts. A wide variation had been observed in the proportion of workers availing these facilities among workers employed in organised sector and workers working

Table 3.7 : Provision of Benefits in the Establishments/Organisations

District/Sector	Total Sample Size	Type of Benefits Received in the Establishments/Organisations (Percentage of Workers)										Insurance against accident
		Weekly Holiday		Earned Leave		Casual Leave		Maternity Leave		Medical Leave		
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
1. KANPUR												
(a) Organised	36	72.22	72.22	55.55	63.89	63.89	63.89	-	52.78	55.55	52.78	22.22 25.00
(b) Unorganised	30	66.67	66.67	36.67	26.67	60.00	60.00	-	60.00	20.00	20.00	-
(c) Total	66	69.70	69.70	46.97	46.97	62.12	62.12	-	56.06	39.39	37.88	12.12 13.64
2. MORADABAD												
(a) Organised	32	100.00	100.00	84.37	84.37	100.00	100.00	-	81.25	81.25	81.25	-
(b) Unorganised	45	55.56	55.56	11.11	11.11	20.00	20.00	-	6.67	6.67	6.67	-
(c) Total	77	74.02	74.02	41.56	41.56	53.25	53.25	-	37.66	37.66	37.66	-
3. NAINITAL												
(a) Organised	37	100.00	100.00	86.49	83.78	86.49	83.78	-	78.38	86.49	81.08	40.54 40.54
(b) Unorganised	27	40.74	18.52	18.52	18.52	18.52	18.52	-	18.52	18.52	18.52	-
(c) Total	64	75.00	65.62	57.81	56.25	57.81	56.25	-	53.12	57.12	54.69	23.44 23.44
4. ALL DISTRICTS												
(a) Organised	105	90.48	90.48	75.24	77.14	82.86	81.90	-	70.48	74.28	71.43	21.90 22.86
(b) Unorganised	102	54.90	49.01	20.59	17.65	31.37	31.37	-	25.49	13.72	13.72	-
(c) Total	207	72.95	70.05	48.31	47.83	57.49	57.00	-	48.31	44.44	42.99	11.11 11.59

in unorganised sector. Taking all the sample workers together, casual leave was given to 57.49 per cent male workers and 57.00 per cent female workers. The maternity leave was given to 48.31 per cent female workers. Provision of medical leave was reported by 44.44 per cent male workers and 42.99 per cent female workers (Table 3.7). The overall picture regarding the provision of above mentioned facilities provided by the sample workers indicated a sexual discrimination against female workers.

During investigation, some of the sample workers reported that they paid some money for securing the job as reported by 2.89 per cent male workers and 1.93 per cent female workers among the total sample workers. The percentage of workers was comparatively higher among the workers who had paid money in organised sector (Table 3.8). In district Moradabad, such incidences were not found. However, the workers from district Kanpur, reported as a higher proportion (7.57 per cent from male workers and 6.06 per cent from female workers) who had made payments for securing employment.

Information regarding the pattern of promotions among the workers was also collected from the sample workers. It was found that only a limited number of workers had been given promotions during their service period in the present job. The workers, who reported their promotions accounted 13.52 per cent among male workers and 11.59 per cent female workers

Table 3.8 : Payments were Made by the Workers for Getting Employment

DISTRICT/Sector	Total Sample Size		Workers Reporting About the Payments Made	
	Male	Female	Male	Female
1. <u>KANPUR</u>				
(a) Organised	36	36	2.78	8.33
(b) Unorganised	30	30	13.33	3.33
(c) Total	66	66	7.57	6.06
2. <u>MORADABAD</u>				
(a) Organised	32	32	-	-
(b) Unorganised	45	45	-	-
(c) Total	77	77	-	-
3. <u>NAINITAL</u>				
(a) Organised	37	37	2.70	-
(b) Unorganised	27	27	-	-
(c) Total	64	64	1.56	-
4. <u>ALL DISTRICTS</u>				
(a) Organised	105	105	1.90	2.86
(b) Unorganised	102	102	3.92	0.98
(c) Total	207	207	2.89	1.93

(Table 3.9). Looking at the data on promotion of workers, it was found that the proportion of workers was found considerably higher in organised sector who reported promotions as compared to the proportion of workers employed in unorganised sector. None of the workers from unorganised sector reported the promotion in district Moradabad. However, in this district, the workers employed in organised sector reported promotion at a highest rate. Most of the workers reporting promotions had been promoted one time in their job. However, some of the

workers reported that they had been promoted twice and they constituted 3.58 per cent among male workers and 4.17 per cent among female workers in the total number of workers reporting promotions (Table 3.9), except in district Moradabad where no worker reported promotions in two times.

Table 3.9 : Pattern of Promotion Among the Sample Workers
(In Percentage).

DISTRICT/Sector	Total Sample Size		Respondents got promotion		Number of Promotions During their Services in the Present Job			
					One time		Two times	
	Male	Female	Male	Female	Male	Female	Male	Female
1. KANPUR								
(a) Organised	36	36	13.88	13.88	100.00	100.00	-	-
(b) Unorganised	30	30	16.66	6.66	100.00	100.00	-	-
(c) Total	66	66	15.15	10.60	100.00	100.00	-	-
2. MORADABAD								
(a) Organised	32	32	25.00	25.00	87.50	87.50	12.50	12.50
(b) Unorganised	45	45	-	-	-	-	-	-
(c) Total	77	77	10.38	10.38	87.50	87.50	12.50	12.50
3. NAINITAL								
(a) Organised	37	37	21.62	18.91	100.00	100.00	-	-
(b) Unorganised	27	27	7.40	7.40	100.00	100.00	-	-
(c) Total	64	64	15.62	14.06	100.00	100.00	-	-
4. ALL DISTRICTS								
(a) Organised	105	105	20.00	19.04	95.23	95.00	4.76	5.00
(b) Unorganised	102	102	6.86	3.92	100.00	100.00	-	-
(c) Total	207	207	13.52	11.59	96.42	95.83	3.58	4.17

The survey data also revealed that some of the workers had been transferred from one place to another as reported by 13.53 per cent of the male workers and 11.11 per cent of the

female workers, taking all the sample workers together. However, after some period of time they had been called back in the present establishment. Transfer of workers was confined to only in organised sector (Table 3.10), especially who were employed on regular basis. The workers, who reported transfer were generally employed in banks, schools, insurance companies, hospitals and factories. The pattern of transfer among the workers in all the sample districts had not been in similar order. The proportion of workers reporting transfer was highest in district Moradabad and lowest in district Kanpur (Table 3.10). Majority of the transfers had been made one time, however, some workers reported that they were transferred more than once. Data regarding the number of transfers indicated that among the workers who reported transfer was 64.28 per cent workers among males and 73.91 per cent among female workers who had been transferred one time and those who had been transferred two times constituted 32.14 per cent among male workers and 26.09 per cent among female workers among the total workers who had been transferred (Table 3.10). Among the sample districts, the proportion of workers was highest in district Moradabad who reported transfer more than one time.

Some of the workers in the sample were terminated from their services as reported by 0.96 per cent male workers and 0.50 per cent female workers. However, all of them had been reinstated after some period. The workers employed in unorganised sector did not report any case of termination. In district Moradabad, no case of termination was found among

Table 3.10 : Transfer of Workers Had Been Made by the Organisations

DISTRICT/Sector	Total Sample Size	Respondents Reporting About Transfers	(Percentage of Workers)					
			Number of Transfers					
			One time		Two times		Three times	
			Male	Female	Male	Female	Male	Female
<u>1. KANPUR</u>								
(a) Organised	36	22.22	16.67	87.50	100.00	12.50	-	-
(b) Unorganised	30	-	-	-	-	-	-	-
(c) Total	66	12.12	9.09	87.50	100.00	-	-	-
<u>2. MORADABAD</u>								
(a) Organised	32	43.75	40.62	35.71	53.85	57.14	46.15	7.13
(b) Unorganised	45	-	-	-	-	-	-	-
(c) Total	77	18.18	16.88	35.71	53.85	57.14	46.15	7.13
<u>3. NAINITAL</u>								
(a) Organised	37	16.12	10.81	100.00	100.00	-	-	-
(b) Unorganised	27	-	-	-	-	-	-	-
(c) Total	64	9.37	6.25	100.00	100.00	-	-	-
<u>4. ALL DISTRICTS</u>								
(a) Organised	105	26.67	21.90	64.28	73.91	32.14	26.09	3.57
(b) Unorganised	102	-	-	-	-	-	-	-
(c) Total	207	13.53	11.11	64.28	73.91	32.14	26.09	3.57

sample workers. In other two sample districts the case of termination was found by and large in equal proportion. However, in district Nainital the female workers did not report any case of termination as was observed in district Kanpur where 2.70 per cent female workers had been the victim of termination. Asking about the reasons of termination from the workers, it was revealed that there had been mainly two reasons of termination. Some workers had been terminated simply because of taking part in the activities of workers' union. All the female workers, who had been terminated, reported that their termination was made due to availing more leave. Among male workers 50 per cent were terminated because of availing more leave and another 50 per cent were terminated due to taking part in union activity.

Not only some of the workers had been transferred and some were terminated by the employers but also demotion of some workers had been made by the employers merely because of their involvement in the activities of workers' union. The case of demotion was reported by some of the male workers employed in organised sector. Taking all the male workers employed in organised sector, demotion of 2.74 per cent workers had been made. No case of demotion was found in district Moradabad. The analysis of data regarding termination, transfer and demotion and the reasons of these punishments

... highlights that employers have always taken unions as the anti-employer institutions. We have seen that no worker was either transferred or terminated who was employed in unorganised sector. Similarly, demotion of workers had not been made in unorganised sector. As there was no workers' union among the workers employed in unorganised sector.

CHAPTER IV

WORKERS' AWARENESS, VIEWS AND ATTITUDE REGARDING THE ACT AND DISCRIMINATION

Implementation of any law ensuring the welfare of workers depends on the awareness of workers about the law or act. Measures to protect the workers against their exploitation do not yield better results in country like ours due to lack of proper communication media and also lack of education among the workers. As a result, the knowledge of laws protecting the workers against their exploitation does not reach to them and they remain unknown about the measures. Basically awareness among people plays a crucial role in implementing any kind of programme.

Awareness of Equal Remuneration Act Among the Workers

Data regarding the awareness of Equal Remuneration Act among the workers were collected from the sample workers and the analysis of data revealed that majority of the workers were not aware about the Act. Taking all the sample workers together, it was found that about 37.00 per cent of the workers had the knowledge of Equal Remuneration Act. On the basis of sex of the workers, it was revealed that 38.16 per cent of the male workers and 36.71 per cent of the female workers were aware about the Act. Looking at the district-wise data in this regard, it was recorded that the Act was

known to highest proportion (51.56 per cent male workers and 53.12 per cent female workers) of workers in district Nainital and it was known to lowest proportion (25.97 per cent among male and 29.87 per cent among female) of workers in district Moradabad (Table 4.1). The workers constituted 39.39 per cent of male workers and 28.79 per cent of female workers in district Kanpur who were aware about the Act. A wide variation had been observed in the proportion of the workers who were aware about the Act among the workers employed in organised and unorganised sectors.

It was found that the Equal Remuneration Act was known to 21.57 per cent male workers and 17.65 per cent female workers in unorganised sector, while in organised sector, 54.28 per cent male workers and 55.24 per cent female workers had reported that they knew about the Act (Table 4.1).

The differential in the proportion of workers who knew about the Act was larger between male workers and female workers employed in unorganised sector than it was observed in the organised sector. In district Moradabad, the information about the Act was not known to majority (93.33 per cent) of the workers employed in unorganised sector even after 12 years of the Act being implemented in the country. It is surprising to note that the Equal Remuneration Act was not known to more than 60 per cent of the male workers and more than 71 per cent of the female workers in such a district (Kanpur) where the enforcement machinery is located. In

district Nainital, the Act was known to a higher proportion of workers among females as compared to male workers. Perhaps level of education has one of the reason for not knowing the Act among workers. In district Kanpur, the proportion of female workers was recorded highest who were illiterate.

Source of First Hand Information About the Act

Newspapers and Radio/T.V. had been the main source of first hand information about the Equal Remuneration Act among the workers as reported by more than 50 per cent of workers. The next important sources were Government Officials and the family members, from which 14.84 per cent and 12.26 per cent workers came to know about the Act. The workers' union and other fellow-workers had been the source of first hand information about the Equal Remuneration Act for 8.39 per cent and 11.61 per cent workers respectively (Table 4.1).

Data pertaining to the source of first hand information about the Act among workers in the selected districts revealed that Newspapers had been the major source of first hand information to the workers in districts Kanpur and Moradabad, while in district Nainital, Radio/Television were the main sources among the workers. Workers' union had played a significant role in providing first hand information to the workers employed in organised sector about the Equal Remuneration Act (Table 4.1). The workers employed in unorganised sector had no union of their own. By and large a similar pattern had been observed

Table 4.1 : Source of First Hand Information About the Equal Remuneration Act Among the Sample Workers

DISTRICT/Sector	Total Sample Size		Respondents who knew about the Act		Source of First Hand Information						
	Male	Female	Male	Female	Family members	Other newspapers	Radio/ T.V.	Govt. Officials	Employers Union	Voluntary organization	
1. KANPUR											
(a) Organised	36	36	41.67	30.55	7.69	-	23.08	11.54	30.77	-	26.92
(b) Unorganised	30	30	36.67	26.67	15.79	21.05	47.37	10.53	-	-	5.26
(c) Total	66	66	39.39	28.79	11.11	8.89	33.33	11.11	17.78	-	15.56
2. MORADABAD											
(a) Organised	32	32	53.12	62.50	5.40	2.70	54.06	18.92	18.92	-	-
(b) Unorganised	45	45	6.67	6.67	-	-	33.34	66.66	-	-	-
(c) Total	77	77	25.97	29.87	4.65	2.33	46.51	30.23	16.28	-	-
3. NAINITAL											
(a) Organised	37	37	67.57	72.97	11.54	15.28	13.46	28.26	15.38	1.92	11.54
(b) Unorganised	27	27	29.62	25.92	40.00	33.33	6.67	13.33	-	-	-
(c) Total	64	64	51.56	53.12	17.91	19.40	11.94	25.39	11.94	1.49	8.95
4. ALL DISTRICTS											
(a) Organised	105	105	54.28	55.24	8.69	7.83	28.69	21.74	20.00	0.87	11.30
(b) Unorganised	102	102	21.57	17.65	22.50	22.50	30.00	20.00	-	-	-
(c) Total	207	207	38.16	36.71	12.26	11.61	29.04	21.29	14.84	0.64	8.39

among the workers employed in organised sector as well as unorganised sector as far as the sources of first hand information about the Act is concerned.

Workers' Union

Workers' Unions were found only in the organised sector and 65.71 per cent workers reported that there were workers' unions in the establishments/organisations where they were working. Variations had been observed in the proportions of workers in the individual districts who reported about the unions. In district Nainital, 72.79 per cent sample workers reported that the workers' unions were formed in the organisations/establishments where they were employed. This figure was 61.11 per cent in district Kanpur and 62.50 per cent in Moradabad (Table 4.2). The workers employed in unorganised sector did not report any workers' union. Perhaps this factor has been one of the reasons for non-implementing of Equal Remuneration Act in the unorganised establishments and wage discrimination among workers employed in unorganised sector on the basis of sex.

Data regarding the formation of union in the establishments or organisations where the sample workers were employed and pattern of its membership among workers indicated that the proportion of female workers was less than the male workers who were the members of the workers' union as reported by 61.90 per cent of the male workers and 50.47 per cent of the

Table 4.2 : Workers' Union in the Establishments/Organisations (Organised Sector)

DISTRICT	Total Sample Size	Respondents reported about the Union		Respondent who were the member of Union		Reasons for not being the Member of Union						
		Union		of Union		Not Interested		Fear of				
		Male	Female	Male	Female	Male	Female	No Benefits	Loosing Job			
1. KANPUR	36	36	61.11	61.11	55.50	50.00	25.00	22.22	37.50	44.44	37.50	33.34
2. MORADABAD	32	32	62.50	62.50	59.37	46.87	23.07	35.29	61.53	41.17	15.40	23.54
3. NAINITAL	37	37	72.79	72.79	70.27	54.05	50.00	23.52	25.00	45.05	25.00	31.45
4. ALL DISTRICTS	105	105	65.71	65.71	61.90	50.47	31.70	26.92	41.46	40.38	26.82	32.69

female workers employed in those establishments where the workers' unions were formed. The workers were the members of the union at a higher proportion in district Nainital than the workers in other districts (Table 4.2). It is surprising to note that in district like Kanpur, which is industrially advanced and where almost all the trade Unions exist, it is found that only 55.50 per cent of the male workers and 50 per cent of the female workers were the members of the union. The proportion of workers was 59.37 per cent among the male workers and 46.87 per cent among the female workers who were members of the union in district Moradabad (Table 4.2).

During the period of investigation, the reasons for not being the members of union was asked from the workers who were not the members of the unions. The data in this regard revealed that 31.70 per cent of male workers and 26.92 per cent of female workers did not become the members of the union, because they were not interested in the activities of workers' union. However, 41.46 per cent of male workers and 40.38 per cent of female workers reported that there are no benefits from the unions. That is why they did not join the workers' union. Similarly, there were some workers who wanted to become the members of the union but due to fear of loosing the job they could not join the union as reported by 26.82 per cent male workers and 32.69 per cent female workers (Table 4.2). Fear of loosing the job had been the reason for not being the member of union was the highest proportion of workers in district Kanpur among all the sample districts. In district

Moradabad, the percentage of workers was highest who reported that there are no benefits from the unions.

All the workers' unions were familiar with the Equal Remuneration Act in the sample districts. The office bearers of the unions were aware about the Act.

Other Facilities in the Establishments

Some essential facilities, like, medical, library, recreation, drinking water, toilet, etc. in the establishments and factories have direct relationship with the efficiency of the workers and proper working atmosphere at the work place. Data in this context revealed that the coverage of these facilities in the organisations, where the sample workers were employed, were limited. The facility of hospital and dispensary was available in 21.98 per cent of the organisations, however, this facility was extended by a substantially lower proportion of the establishment in unorganised sector as compared to organised sector. In district Moradabad, medical facilities were not available to the workers in organised sector, whereas in district Nainital this facility was not available in unorganised sector. Provision of library or reading room was existing in 19.81 per cent establishments with variation in organised sector and unorganised sector.

The facility like recreation room was found in 34.78 per cent organisations in the selected districts. In unorganised

sector, 23.52 per cent workers had reported that the provision of recreation room was available in their organisations. Separate toilet for male and female workers was reported by 67.15 per cent of the workers in the sample. However, a wide variation has been found in the proportion of establishments where there were separate toilet for male and female workers employed in organised and unorganised sectors. In unorganised sector, 39.21 per cent establishments had separate toilets for male and female workers while this facility was available in 94.29 per cent establishments in organised sector (Table 4.3). The facility, like credit society was available in only organised sector and that was covered in 39.52 per cent establishments. Provision of first-aid in the factory or organisation is considered one of the essential services to protect workers against unforeseen accidents. The survey data revealed that 66.18 per cent of the organisations and establishments had extended the facility of first-aid to their workers. The first-aid facility was available in 58.82 per cent establishments in unorganised sector and 73.73 per cent in organised sector. In district Kanpur, this facility was available in the 80.30 per cent organisations/establishments which recorded highest among all the districts surveyed. The drinking water facility was available in all the establishments which had been surveyed. Common and lunch room facility was extended by 61.83 per cent organisations/establishments. However, variation has been observed in organised and unorganised sectors. This facility was provided by 37.25 per cent establishments in unorganised sector and 85.71 per cent establishment in organised sector.

Table 4.3 : Pattern of Different Types of Facilities in the Organisations

DISTRICT/Sector	Total No. of Workers in the sample	Types of Facilities in the Organisations						
		Medical Hospital/ Dispensary	Library Reading Room	Recreation Room	Separate Toilet for Male/ Female	Credit Society of aid	Provision of first water	Drinking Common & Lunch Room
<u>1. KANFUR</u>								
(a) Organised	72	19.44	25.00	58.33	83.33	22.22	97.22	100.00
(b) Unorganised	60	21.67	40.00	6.67	60.00	-	60.00	100.00
(c) Total	132	20.45	31.81	34.85	72.73	12.12	80.30	100.00
<u>2. MORADABAD</u>								
(a) Organised	64	-	37.50	-	100.00	62.50	43.75	100.00
(b) Unorganised	90	22.22	6.66	37.78	37.78	-	55.55	100.00
(c) Total	154	12.48	19.48	22.08	63.63	25.97	50.65	100.00
<u>3. NAINITAL</u>								
(a) Organised	74	59.46	13.51	72.97	100.00	36.49	75.67	100.00
(b) Unorganised	54	-	-	18.52	18.52	-	62.96	100.00
(c) Total	128	34.37	7.81	50.00	65.52	21.09	70.31	100.00
<u>4. ALL DISTRICTS</u>								
(a) Organised	210	27.62	24.76	45.71	94.29	39.52	73.33	100.00
(b) Unorganised	204	16.17	14.71	23.52	39.21	-	58.82	100.00
(c) Total	414	21.98	19.81	34.78	67.15	20.05	66.18	100.00

The pattern of different types of above mentioned facilities provided by the employers to their workers indicated that these facilities were available in the establishments at a comparatively lower proportion in unorganised sector than in organised sector.

Better Status Enjoyed by Male Workers

The workers were asked about their views regarding the better status enjoyed by male workers in the same nature of work in the employment. Data collected from the sample workers in this regard revealed that 11.11 per cent male workers and 9.66 per cent female workers were of the opinion that male workers enjoy better status than the female workers in the employment. However, a wide variation has been observed in the proportion of workers, who reported that male workers enjoy better status, in organised and unorganised sectors. Taking all the sample workers together, 19.61 per cent among male workers and 17.65 per cent among female workers in unorganised sector had reported that the male workers had better status in the work place while in organised sector 2.86 per cent male workers and 0.95 per cent female workers were of the view that male workers enjoy better status. In all the sample districts, it was found that the workers employed in unorganised sector at a substantially higher proportion than the workers in organised sector were of the view that male workers had better status in the employment, even in the same nature of work.

Among the sample districts, the workers employed in organised sector did not report such a view that male workers enjoy better status in the job except in district Kanpur where 8.33 per cent among male workers and 5.55 per cent among female workers reported that male workers enjoy better status in the establishments (Table 4.4).

The study also found that 75.36 per cent among male workers and 79.23 per cent among female workers gave their negative views in this regard and they were of the view that there was no discrimination as far as status of the workers in the organisation is concerned. However, there were some workers who did not express their views in this regard and they constituted 13.53 per cent among male workers and 11.11 per cent among female workers.

On the basis of certain factors, the workers reported that male workers enjoy better status in the job. Among the workers who reported that male workers enjoy better status, 65.11 per cent workers claimed that the wage rates are generally higher for male workers (Table 4.4). The proportion of workers employed in unorganised sector was recorded higher as compared to the proportion of workers in organised sector who reported that male workers get more salary or wages than female workers. This statement highlights the degree of discrimination in the wage rate against women workers in unorganised sector. Similarly 23.26 per cent workers pointed out that availability of work among male workers was easier than for

Table 4.4 : Male Workers Enjoy Better Status in the Same Nature of Work

DISTRICT/Sector	Total Sample Size		Respondents reported that male workers enjoy better status		Respondents did not know about the status of male workers		Male workers enjoy better status in respect of:		
	Male	Female	Male	Female	Male	Female	Wage Rate/ Salary of work	Availability of work	Condition of benefits
1. KANPUR									
(a) Organised	36	36	8.33	5.55	16.67	13.89	-	40.00	20.00
(b) Unorganised	30	30	33.33	30.00	16.67	16.67	68.42	26.31	5.27
(c) Total	66	66	10.70	16.67	16.67	15.15	62.50	29.17	4.17
2. MORADABAD									
(a) Organised	32	32	-	-	-	-	-	-	-
(b) Unorganised	45	45	6.67	4.44	11.11	6.67	100.00	-	-
(c) Total	77	77	3.90	2.60	6.49	3.90	100.00	-	-
3. NAINITAL									
(a) Organised	37	37	-	-	5.40	5.40	-	-	-
(b) Unorganised	27	27	25.92	25.92	37.04	29.63	57.14	21.43	21.43
(c) Total	64	64	10.94	10.94	18.75	15.62	57.14	21.43	21.43
4. ALL DISTRICTS									
(a) Organised	105	105	2.86	0.95	7.62	6.67	40.00	40.00	20.00
(b) Unorganised	102	102	19.61	17.65	19.61	15.69	68.42	21.05	10.53
(c) Total	207	207	11.11	8.66	13.53	11.11	65.11	23.26	9.30

female workers, as a result the male workers enjoy better status. There were certain other factors such as better service conditions, and leave benefits for male workers. Some of the workers in the sample were of the view that employers are liberal towards male workers in respect of work condition and in leave provision and on this basis 11.63 per cent workers had reported that male workers enjoy better status than female workers in the work place.

Views of Workers Regarding Discrimination

As has been discussed earlier that on the basis of data collected from the workers, differentials were found between male and female workers in their wages and salaries and discrimination against women workers was also recorded in other welfare schemes provided by the employers. Now views of workers regarding the discrimination policy adopted by the employers in the recruitment process will be examined. Not only the female workers had reported that there had been discrimination against women workers at the time of recruitment but also the male workers had also expressed similar views. Looking at the data about the opinion of the workers towards the recruitment policy, it was found that 2.90 per cent of the male workers and 3.38 per cent of female workers in aggregate reported that employers had adopted discrimination policy against the female workers at the time of recruitment (Table 4.5). However, the proportion of workers working in unorganised sector was recorded substantially higher than

workers employed in organised sector who reported about the discrimination. The individual districts have shown a varied picture as far as the number of workers is concerned who reported the discrimination.

In district Kanpur, the proportion of workers was highest among all the sample districts (Table 4.5). There were female workers from organised sector also in district Kanpur who reported that discrimination had been done against women workers at the time of recruitment. While none of the workers from district Moradabad had reported about discrimination. In district Nainital, only the workers employed in unorganised sector had reported about the discrimination and they constituted 3.70 per cent among male workers and 7.41 per cent among female workers.

When the workers were asked about their views regarding the policy adopted by the employers, a significant proportion of workers reported that there had been no discrimination against female workers at the time of recruitment and they constituted 76.81 per cent among male and 65.70 per cent among female workers in the total sample. However, some of the workers in the sample did not know whether discrimination had been made or not. The analysis of data indicated that 20.29 per cent male and 30.92 per cent female workers did not know any reason or factor which gave them any clue about the discrimination (Table 4.5).

The workers, who were of the view that there had been discrimination against women workers, were also asked about the reasons for the discrimination as they felt. On the basis of information and hints received by the workers from the management, three main reasons were given by the workers who were of the view that male workers had been preferred by the employers. All the male workers, who reported that employers had adopted discrimination against females at the time of recruitment, said generally, the employers have the feeling in their mind that efficiency among female workers is less than male workers. However, this reason was also viewed by 28.57 per cent of the female workers among those who reported that discrimination was made at the time of recruitment. Similarly, 42.86 per cent of the female workers reported that discrimination was made against workers because all types of work cannot be performed by the females. The female workers avail comparatively more leaves due to certain obvious reasons and this simple cause was reported by 28.57 per cent female workers as a possible reason for discrimination (Table 4.5).

Here, it would be appropriate to mention that recruitment of male worker against any vacancy is not the sufficient ground to discriminate against women. When an employer makes recruitment of the workers for his factory or establishment, the employer has several points or norms to take into consideration. Several factors such as, educational level of the candidate, experience, skill, performance of interview and physical conditions of the candidates are, basically, kept in mind by the

selection committee or management while making any recruitment. If the selection of female worker is not made on the above mentioned grounds which were pointed out by the workers, it is certainly an act of discrimination against women and violation of Equal Remuneration Act.

Views of Workers Regarding Equal Remuneration
for Similar Work

Not only some of the sample workers were of the view that male workers enjoy better status in the work place, but some workers had also reported that male workers are preferred by the employers at the time of recruitment as well as some employers keep liberal attitude towards male workers in employment. Data in this regard revealed that preference is given to the male workers by the employers in the employment as reported by some of the workers. Not only the female workers were of the view that male workers are given preference by the employers but the male workers had also pointed out about the fact. Furthermore, it was found that the proportion of workers among males was higher as compared to female workers who reported about the employers' preference towards male workers and the respective proportion of workers was 7.25 per cent among male workers and 5.31 per cent among female workers (Table 4.6). The workers who reported that male workers are preferred by employers were at a highest proportion in district Kanpur among the selected districts.

The views of the workers were also collected about the concept of equal remuneration for same nature of work. Whether the wages (remuneration) of male and female workers should be equal for similar nature of work or not? The workers were asked about their opinion regarding equal wages for same nature of work. It was found that majority of the workers were of the opinion that wages of male and female workers should be equal for similar work and there should be no discrimination in the wage rate on the basis of sex. However, the proportion of female workers was recorded higher than the male workers who were of the view that wages should be equal irrespective of sex. Taking all the sample workers together, 87.44 per cent of the male workers and 98.55 per cent of the female workers were of the view that wages of male and female workers should be equal (Table 4.6).

A wide variation has been observed in the proportion of male workers in organised and unorganised sectors who were of the opinion that there should not be discrimination in the wage rate for same nature of work. However, there has been similarity in the proportion of workers among women working in organised and unorganised sectors. Among the selected districts, differentials has been recorded in the proportion of workers who were of the view that wages of female and male workers should be equal. In district Moradabad, all the female workers employed in organised as well as unorganised sectors wanted equal wages for same nature of work. While in district Kanpur, the proportion of such workers was recorded lower than the proportion of workers in other two districts.

Table 4.6 : Views of the Respondents Regarding Equal Remuneration for Similar Work

DISTRICT/Sector	Number of workers in the sample		Respondents		Respondents		Respondents	
			reported that employ- ers prefer to male workers		reported that the wages should be equal		reported that wages of female workers should be lower	
			Male	Female	Male	Female	Male	Female
<u>1. KANPUR</u>								
(a) Organised	36	36	8.33	8.33	80.56	97.22	19.44	2.78
(b) Unorganised	30	30	26.67	20.00	90.00	96.67	10.00	3.33
(c) Total	66	66	16.67	13.64	84.85	96.97	15.15	3.03
<u>2. MORADABAD</u>								
(a) Organised	32	32	-	-	100.00	100.00	-	-
(b) Unorganised	45	45	6.67	4.44	80.00	100.00	20.00	-
(c) Total	77	77	3.90	2.60	88.31	100.00	11.69	-
<u>3. NAINITAL</u>								
(a) Organised	37	37	-	-	94.59	100.00	5.41	-
(b) Unorganised	27	27	3.70	-	81.48	96.29	18.52	3.71
(c) Total	64	64	1.56	-	89.06	98.44	10.94	1.56
<u>4. ALL DISTRICTS</u>								
(a) Organised	105	105	2.86	2.86	91.43	99.05	8.57	0.95
(b) Unorganised	102	102	11.76	7.84	83.33	98.04	16.67	1.96
(c) Total	207	207	7.25	5.31	87.44	98.55	12.56	1.45

The survey data also revealed that some of the workers in the sample were of the view that the wages of female workers should be lower than male workers even for similar nature of work as reported by 12.56 per cent of male workers. However, the female workers also reported that the wage rates of female workers should not be equal to wage rates of male workers and they constituted only 1.45 per cent of female workers (Table 4.6).

The workers who were of the opinion that wages of female workers should be lower than male workers were found at a substantially higher proportion in unorganised sector as compared to organised sector.

There was no female worker in district Moradabad who was in favour of wage discrimination against female workers. However, 20.00 per cent of the male workers employed in unorganised sector in the district had reported that wages of female workers should be lower than the male workers. In district Kanpur, the proportion of workers among males as well as females was recorded highest who reported that the wage rate of female workers should be lower than male workers for the same nature of work (Table 4.6).

It was found that 92.99 per cent of the sample workers in aggregate were of the view that wage rates should be equal among male and female workers. Most of the male as well as female workers were in favour of equal wages for similar nature of work and they had given several reasons in favour of their argument. Among the workers, who were in favour of equal wages, 90.91 per cent of the workers said that equal pay for equal work is genuine case and it must be properly brought into operation (Table 4.7). Similarly, 4.67 per cent of the workers reported that the wages should be equal among male and female workers for same work because female also performs all kinds of work which male worker does and both the genders have equal productivity. Other arguments like,

equal efficiency among male and female, similarity in their physique and human value concept had been given as the reasons for equal wages by 2.92 per cent, 0.57 per cent and 1.28 per cent of the workers respectively. The workers in individual districts have shown by and large similar pattern in their argument in favour of equal remuneration for equal work irrespective of sex (Table 4.7).

However, some of the workers from male as well as female were not in favour of equal wages and about 7.00 per cent of the workers reported that the wage rates of female workers should be lower than the wage rates of male workers. The workers, who were in favour of lower wages for female workers, had also given some reasons in favour of their argument (Table 4.7). Because of lower status of women in the society, the female workers should be given lower wage than the male workers even for similar nature of work as viewed by 10.34 per cent of the workers who were not in favour of equal wages. The proportion of workers was 44.83 per cent who reported that wages rates of female workers should be lower than male workers because women can not work hard as men. However, majority of workers were from males who were holding this view. To maintain superiority of male over female had been a reason for 3.5 per cent of the workers who were in favour of lower wages for female workers and they viewed that the wage rate for female would be lower than male. The workers constituted 24.14 per cent of the workers who were in favour of lower wages for female workers because they felt that male workers comparatively

Table 4.7 : Views of Workers Regarding the Concept of Equal Wages for Male and Female

DISTRICT/Sector	Total No. of Workers in the sample	Respondents reported that the wages should be equal	Reasons			Respondents reported that the wages of female worker should be lower	Reasons			Status of women is lower than male	Reasons		
			Equal pay for equal work as men	Women work as efficiently as men	Women are the point of view of equality as men		Women cannot work as hard as men	To maintain superiority of male over female	Men workers are comparatively more than women				
1. KANFUR													
(a) Organised	72	88.88	81.25	7.81	3.13	4.68	11.12	12.50	50.00	12.50	12.50	12.50	
(b) Unorganised	60	93.33	83.93	8.93	-	3.54	6.67	-	50.00	-	50.00	-	
(c) Total	132	90.91	82.50	8.33	3.33	3.34	9.09	8.33	50.00	8.33	25.00	8.34	
2. MORADABAD													
(a) Organised	64	100.00	100.00	-	-	-	-	-	-	-	-	-	
(b) Unorganised	90	90.00	100.00	-	-	-	10.00	22.22	33.33	-	-	-	44.45
(c) Total	154	94.15	100.00	-	-	-	5.85	22.22	33.33	-	-	-	44.45
3. NAINITAL													
(a) Organised	74	97.29	90.28	4.16	5.56	-	2.71	-	100.00	-	-	-	
(b) Unorganised	54	88.88	85.42	10.42	4.16	-	11.12	-	33.33	-	66.67	-	
(c) Total	128	93.75	88.33	6.67	5.00	-	6.25	-	50.00	-	50.00	-	
4. ALL DISTRICTS													
(a) Organised	210	95.24	90.50	4.00	3.00	1.00	4.76	10.00	60.00	10.00	10.00	10.00	
(b) Unorganised	204	90.68	91.35	5.41	2.16	-	9.32	10.53	36.84	-	31.58	21.05	
(c) Total	414	92.99	90.91	4.67	2.97	0.57	7.01	10.34	44.83	3.45	24.14	17.24	

work more than the female workers. Similarly, some of the workers who were in favour of lower wages for female workers pointed out that female workers usually avail more leave than the male workers, therefore, the wage rates of the female workers should be lower than the male workers as viewed by 17.24 per cent of the workers.

Behaviour and Treatment as Felt by the Workers

The workers were asked about the behaviour and treatment of management, supervisor and fellow workers and data in this regard revealed that generally the behaviour of management, supervisor and fellow workers was recorded either very good or satisfactory as reported by the majority of the workers. The proportion of workers employed in organised sector was higher who reported that the behaviour of management was not good as compared to workers employed in unorganised sector (Table 4.8). The proportion of workers was slightly lower among female workers who pointed out that the behaviour of management was not good than the proportion of male workers. Taking all the sample workers together, the ^{proportion of} workers among males was recorded at a higher rate than the female workers who felt that the behaviour of management was not good. Among the sample districts, the workers reported at a highest rate who said that the behaviour of management was not good in district Nainital. When the views of the workers regarding the behaviour of supervisor is analysed it is found that the proportion of female workers was comparatively higher (8.69

(Workers in Percentage)

93

per cent) than the proportion of male workers (5.32 per cent) who reported that the behaviour of supervisor was not good. In district Moradabad, some of the female workers (8.89 per cent) from unorganised sector reported that the behaviour of supervisor was not good. Information regarding the treatment of fellow workers indicated that almost all the workers had pointed out that the behaviour of fellow workers was either good or satisfactory. However, in district Kanpur, the male workers from unorganised sector reported that the behaviour of fellow workers was not good (Table 4.8).

The analysis of data regarding the behaviour of management towards the workers on the basis of sex did not indicate any significant trend of discrimination against the women workers. However, on the basis of information, it appeared that the behaviour of supervisor has been discriminatory against women workers.

No worker was permanent among the sample workers in unorganised sector, except in district Nainital where 18.51 per cent workers were permanent. Asking about the information regarding the time taken in becoming permanent, the data indicated that the time taken in becoming permanent varied from six months to more than five years. The workers who became permanent in six months constituted 9.45 per cent among male and 15.27 per cent among female workers. Similarly, the proportion of total workers who were permanent was

female workers who became permanent in one year (Table 4.9). Some workers were made permanent by their employers in three years as reported by 16.21 per cent male workers and 13.88 per cent female workers among those who were permanent. It took more than five years in becoming permanent among those who were permanent for 27.03 per cent male and 31.95 per cent female workers (Table 4.9). The trend regarding time taken in becoming permanent among workers did not indicate any significant evidence of discrimination against women workers.

Data pertaining to the pattern of promotion among the workers revealed that 13.53 per cent workers among males and 11.59 per cent among females had been promoted as reported by the sample workers. The differentials in the proportion of workers reporting promotion among male and female workers highlights the biased attitude of the employers in favour of male workers as far as promotion policy is concerned (Table 4.10). Specially in unorganised sector, the women workers were the most sufferers from sexual discrimination in the promotion policy also. It is evidenced with the fact that male workers had been promoted at a higher percentage as compared to female workers in unorganised sector. Among the individual districts, the differentials in the proportion of workers who had been promoted was recorded highest between male workers and female workers in district Kanpur (Table 4.10). In unorganised sector taking all the sample workers together, 6.86 per cent workers among male had been promoted while this statistics was 3.92 per cent among female workers.

Among the workers who reported promotions about 96 per cent of them had been promoted one time and remaining were promoted two times. The proportion of workers who had been promoted in one time and in two times was by and large equal among male workers and female workers. In district Kanpur, all the workers who reported promotion had been promoted in one time. However, in other sample districts, some of the workers had been promoted twice (Table 4.10).

Table 4.10 : Pattern of Promotion Among the Respondents

DISTRICT/Sector	Total Sample Respondents		Number of Promotions					
	Size		who got promotion		One time		Two times	
	Male	Female	Male	Female	Male	Female	Male	Female
<u>1. KANPUR</u>								
(a) Organised	36	36	13.89	13.89	100.00	100.00	-	-
(b) Unorganised	30	30	16.67	6.67	100.00	100.00	-	-
(c) Total	66	66	15.15	10.61	100.00	100.00		
<u>2. MORADABAD</u>								
(a) Organised	32	32	25.00	25.00	87.50	87.50	12.50	12.50
(b) Unorganised	45	45	-	-	-	-	-	-
(c) Total	77	77	10.39	10.39	87.50	87.50	12.50	12.50
<u>3. NAINITAL</u>								
(a) Organised	37	37	21.62	18.92	100.00	100.00	-	-
(b) Unorganised	27	27	7.41	7.41	100.00	100.00	-	-
(c) Total	64	64	15.62	14.06	100.00	100.00	-	-
<u>4. ALL DISTRICTS</u>								
(a) Organised	105	105	20.00	19.05	95.24	95.00	4.76	5.00
(b) Unorganised	102	102	6.86	3.92	100.00	100.00	-	-
(c) Total	207	207	13.53	11.59	96.43	95.83	3.57	4.17

Workers and Family Relation

The earnings of the workers - whether male or female - had played a significant role in the household income. However, there had been family disputes in some of the households as reported by 5.31 per cent of the female workers. Some of the household activities are neglected when the female of a household works outside, particularly in a household where there are no other female members to look after the domestic chores. As a result, dispute among family members prevail which ultimately leads to tensions in the family. The proportion of female workers was recorded substantially higher in the unorganised sector as compared to organised sector. Family disputes were reported by the female workers at a highest proportion of the female workers in district Nainital. However, there was no worker in district Moradabad who reported family disputes.

The female workers who reported family disputes were asked about the main cause of family disputes. It has been recorded that improper care of children had been the main cause of family disputes in the households of female workers.

Though there had been family disputes in some of the households of the workers as they were working outside. However, some of the workers reported that their status in the family is high because they are earning members. The sample workers were also asked whether their status in the family is high, as they are working and contributing income in the

households. Data regarding the status of the workers in the family, being as earning workers in households, revealed that some of the workers felt their high status in the families as reported by 19.81 per cent of male workers and 27.54 per cent of the female workers. However, differentials have been observed in the proportion of workers, employed in organised and unorganised sectors, who felt that their status in the family is high. The workers (male as well as female) working in organised sector had reported their high status in the families, were found at a considerably higher proportion than the workers of unorganised sector. The female were of the higher proportion than male workers who reported their high status in the families in all the districts whether the workers were working in organised sector or unorganised sector.

The findings, therefore, highlight the fact that the females are being discriminated against particularly in the unorganised sector. However, it is ironical that even among the females themselves, there is a section of women which feels that this discrimination is valid. Then on the other hand we have another section of women who are either unaware about the provisions of the Act or do not have enough courage to raise their voice for fear of loosing their jobs. And finally, we do not have an efficient law enforcing machinery to detect these irregularities and set them right. Under these circumstances it is a matter of doubt as to whether it will be possible to fully attain the basic objectives which gave birth to the Equal Remuneration Act.

CHAPTER V

VIEWS OF FEMALE WORKERS REGARDING DISCRIMINATION

During investigation, the female workers were also asked about their views regarding wage discrimination, exploitation of female workers and attitude of female workers. Information was also collected from female workers whether any official from enforcement machinery had ever inquired about their wage rates or had they approached the employers about equal wages, whether complaints had been made against wage discrimination, if any, to concerning departments and what was the outcome of the approaches and complaints made by female workers against wage discrimination.

Data pertaining to exploitation of female workers as viewed by the female workers revealed that 12.03 per cent of the female workers had reported their exploitation by the employers (Table 5.1). Female workers working in unorganised sector were recorded at a significantly higher rate than the female workers in organised sector who reported exploitation by employers. Among the individual districts, there has been variation in the proportions of female workers reporting exploitation. Female workers in district Kanpur were found at a higher rate who reported their exploitation than in district Moradabad. However, in district Nainital, the female workers did not indicate any kind of exploitation.

Table 5.1 : Exploitation Done by Employers as Viewed by Female Workers

DISTRICT/Sector	No. of female workers in the sample	No. of workers who reported about exploitation	Exploitation Reported by Female Workers on the ground of:					Wage rates are less than minimum wages
			Not made permanent	No leave facility	More work less pay	No timely payment		
1. <u>KANPUR</u>								
(a) Organised	36	11.11	75.00	25.00	-	-	-	
(b) Unorganised	30	30.00	-	-	66.67	11.11	22.22	
(c) Total	66	19.70	23.08	7.69	46.16	7.69	15.38	
2. <u>MORADABAD</u>								
(a) Organised	32	-	-	-	-	-	-	
(b) Unorganised	45	26.66	-	8.33	25.00	-	66.67	
(c) Total	77	15.58	-	8.33	25.00	-	66.67	
3. <u>NAINITAL</u>								
(a) Organised	37	-	-	-	-	-	-	
(b) Unorganised	27	-	-	-	-	-	-	
(c) Total	64	-	-	-	-	-	-	
4. <u>ALL DISTRICTS</u>								
(a) Organised	105	3.81	75.00	25.00	-	-	-	
(b) Unorganised	102	20.59	-	4.76	42.86	4.76	47.62	
(c) Total	207	12.03	12.00	8.00	36.00	4.00	40.00	

Various points were given by the female workers in support of their argument that they were being exploited by the managements. About 40 per cent of the female workers who felt that they were exploited had pointed out that their wage rates were less than the minimum wage and similarly 36 per cent were of the view that their wage rates were less than the wage rates of male workers. Some of the female workers had reported

that they had not been made permanent, on the basis of which 12 per cent of the female workers reported their exploitation. The other grounds, such as, female workers had no leave facility and no timely payments had been the basis of 8.00 per cent and 4.00 per cent female workers as the arguments supporting exploitation (Table 5.1). The workers, who were claiming exploitation on above mentioned grounds were generally employed either on daily wages or on piece rate basis.

It was found that 17.87 per cent of the female workers in the sample were reporting lower wages as compared to their counterpart male workers. Wage discrimination was reported by female workers in unorganised sector while female workers employed in organised sector did not indicate any kind of wage differentials. Among the sample districts, discrimination was pointed out by female workers at a highest proportion in district Kanpur (Table 5.2). The study revealed that 5.40 per cent of the female workers claiming lower wages, approached their employers for equal wages. But their request had been turned down by the employers and the approaches could not be materialised as reported by the respondents. Female workers in district Moradabad did not try to approach the employers for equal wages. Majority (94.60 per cent) of the female workers who were reporting lower wages did not try to approach the employers for equal wages due to one reason or another (Table 5.2). The female workers were asked about the reasons for not making any representation to their managers

against the discrimination in wage rates. Various reasons had been given by female workers for not approaching to their employers about equal wages for similar nature of work. Fear of loosing job (employment), lack of awareness about the Act, no hope of positive response from the employers and traditional value system among the female workers were the major reasons as reported by the respondents (Table 5.2).

Table 5.2 : Reasons for not Approaching the Employers Regarding the Equal Wages

DISTRICT/Sector	No. of female workers in the sample	Respon-dents claim-ing lower wages	No. of Respon-dents	Respon-dents did not approach to the em-ployers for the equal wages	Reasons for not approaching	Not hoping of posi-tive resul-ts from the em-ployers	Lack of aware-ness about the Act	Fear of loos-ing job	Favour of lower wages
1. <u>KANPUR</u>									
(a) Organised	36	-	-	-	-	-	-	-	-
(b) Unorganised	30	60.00	5.55	94.45	23.53	35.29	29.42	11.76	
(c) Total	66	27.27	5.55	94.45	23.53	35.29	29.42	11.76	
2. <u>MORADABAD</u>									
(a) Organised	32	-	-	-	-	-	-	-	-
(b) Unorganised	45	26.66	-	100.00	-	-	75.00	25.00	
(c) Total	77	15.58	-	100.00	-	-	75.00	25.00	
3. <u>NAINITAL</u>									
(a) Organised	37	-	-	-	-	-	-	-	-
(b) Unorganised	27	25.93	14.28	85.72	66.67	16.67	-	16.66	
(c) Total	64	10.94	14.28	85.72	66.67	16.67	-	16.66	
4. <u>ALL DISTRICTS</u>									
(a) Organised	105	-	-	-	-	-	-	-	-
(b) Unorganised	102	36.27	5.40	94.60	22.86	20.00	40.00	17.14	
(c) Total	207	17.87	5.40	94.60	22.86	20.00	40.00	17.14	

The female workers constituted 40.00 per cent who did not approach to the employers for equal wages simply due to fear of loosing job. They were of the view that any approach to employer would prove harmful for them from the view point of employment. Lack of awareness about the Act had been the reason for not approaching the employers as reported by 20.00 per cent of the female workers who did not approach. Some of the female workers were of the view that the request to employers for equal wages would not give positive results and due to this reason 22.86 per cent female workers did not approach (Table 5.2). Similarly, 17.14 per cent female workers were of the view that the wage rate of female workers should not be equal to male workers because males are more efficient than females and obviously the male workers should be given higher wage rates. Variations had been recorded in the proportions of workers giving different reasons for not approaching to the employers among the sample districts. In district Moradabad, majority of the female workers did not approach to the employers because of fear of loosing job while in district Nainital no one from female workers indicated this reason for not approaching.

Government Enquiry from Female Workers

Data pertaining to the inquiry made by Government Officials from the female workers about wage discrimination revealed that 34.30 per cent of the female workers had been enquired. The proportion of female workers was 37.14 per cent

and 31.37 per cent who reported the enquiry about wage rates in organised and unorganised sectors respectively. There has not been similarity in the pattern of enquiry among sample districts as indicated by the analysis of data. The female workers in district Nainital was recorded highest 76.56 per cent who reported that they were asked about their wage rates by the Government Officials. However, the workers were at the lowest proportion (5.19 per cent) in district Moradabad who gave positive answer about the government inquiry. In district Kanpur 27.27 per cent of the female workers had reported that they had been asked about wage rates by Government Officials.

During investigation it was also found that though the Government Officials visited the establishments and asked the female workers about wage discrimination, some of the female workers (35.21 per cent) did not tell the real facts about their wages due to various reasons. The proportion of female workers was accounted 64.79 per cent who reported the real facts about their wages to the Government Officials. However, all the female workers employed in organised sector reported the real facts. The female workers were found 21.87 per cent who reported the real wages to the visiting officials in unorganised sector. Asking about the reasons for not giving real facts to the Government Officials, it was revealed that due to fear of loosing job, 68.00 per cent of the female workers claiming visits of Government Officials did not give real facts. Some of the female workers did not want to

involve themselves in government enquiry and they did not like to become a matter of dispute as reported by 32.00 per cent female workers. Basically, the female workers do not want to disclose the facts in front of the officials, who make enquiry because they feel that the employers will dismiss them from service and they will be left without employment. To avoid such situation, the real facts about wage rates are generally not given by female workers. The above analysis suggests that earlier the concerning departments, from where the enquiries are made, should have full control over the employers and managements to tackle the post-enquiry situation which may arise due to enquiry or the government should make alternative arrangements for those who are dismissed from their services as a result of narrating truth during the course of enquiry. Before starting any kind of enquiry from the workers, the visiting officers should bring the workers in their confidence against any unfortunate happening and assurance about job security should be given to the female workers.

Looking at the data about the frequency of visits made by Government Officials to enquire wage rates from the female workers, it was found that the frequency of visits was rarely in some of the establishments as reported by 41.52 per cent of the female workers. Those, who reported yearly visits constituted 40.68 per cent among those reporting visits of the Government Officials. About 18.00 per cent female workers admitted that the frequency of visits made by Officers had been by and large half-yearly.

None of the female workers in the sample had made any complaint against wage discrimination to the enforcement machinery implementing Equal Remuneration Act. Fear of losing the job had been given as the reason by majority of the female workers for not lodging complaint against wage discrimination. Some of the workers could not make complaints to Government against wage differentials because of lack of proper knowledge regarding the procedure of lodging complaints. Similarly, the Equal Remuneration Act was not known to some of the female workers, as a result they did not make complaint against the exploitation and wage discrimination.

No separate union of women workers was found in any of the establishments surveyed as reported by female workers. As has already been discussed that the workers union was not found among the workers employed in unorganised sector. Where even there was workers union in organised sector, few number of workers were recorded the members of union in general and the female workers in particular. The study also found that the representation of female workers in the committee of office-bearers of the union was not given due consideration. During the course of discussion with the trade union leaders, it was recorded that the unions had not been helpful in removing the exploitation of female workers by employers and the problems of female workers had never been put before the management of the establishments through unions. It has been observed that the role of unions has been very limited as far

as the protection of female workers against their exploitation is concerned. Little efforts are given in motivating the female workers for being members of the union. The female workers are generally indifferent in union activity and they have little confidence on the unions.

Registers Maintained by Employers

It has been observed that some of the employers and managements had not maintained registers and other documents related to name and number of workers employed as well as their wage rates. The female workers were asked whether the employers had maintained any register? Taking all the female workers together, 88.89 per cent female workers had reported that the registers were maintained by the employers. However, 5.32 per cent of the female workers had reported that the documents of any kind related to workers and their wages had not been maintained by the Employers/Personnel Managers. The rest proportion of the sample workers had no knowledge about the registers or documents. The female workers were registered at a higher proportion in organised sector compared to unorganised sector who reported about the register or master-roll maintained by employers. Variations had been observed in the proportions of female workers reporting the accountancy of workers and their wage rates among the sample districts. In districts Kanpur and Moradabad, all the female workers employed in organised sector had reported that the employers had maintained registers. Female workers were 86.49 per cent in

organised and 62.96 per cent in unorganised sector in district Nainital who pointed out about the registers maintained by the employers. The above analysis suggests that timely visits of the officials from implementing agency is needed to check the irregularities, so that chances of exploitation of female workers specially in unorganised sector may be reduced.

Suggestions Made by Female Workers

Suggestions for proper implementation of Equal Remuneration Act had been given by 20.29 per cent of the female workers in aggregate. The proportion of female workers who gave suggestions was recorded 27.62 per cent in organised sector and 12.74 per cent in unorganised sector. The proportion of female workers who pointed out suggestions for proper implementation of Equal Remuneration Act varied from 16.88 per cent in district Moradabad to 20.31 per cent in district Nainital (Table 5.3). Effective application of the Act in all the establishments and organisations where female workers are employed was the suggestion of 23.81 per cent of the female workers among those who gave suggestions. The female workers were of the view that the Equal Remuneration Act should be effectively applied in all the establishments. Some of the workers suggested that the employers who are found guilty in connection of wage discrimination against female for same nature of work should be firmly punished as reported by 21.43 per cent of the female workers (Table 5.3). The provision of regular and compulsory visits of officials from enforcement machinery to

Table 5.3 : Suggestions Made by Female Workers for Proper Implementation of Equal Remuneration Act

DISTRICT/Sector	Total No. of female workers in the sample	Suggest- ion were made by female workers for pro- per imp- lementation of ERA	Suggestions for Proper Implemen- tation of Equal Remuneration Act			
			Equal Remun- eration Act should be act- ively applied	Action should be ta- ken against default- tors	Compuls- ory visits by Govt. Officials to check Wage Rates	Proper informat- ion sho- uld be given about the Act
<u>1. KANPUR</u>						
(a) Organised	36	30.56	18.18	18.18	27.28	36.36
(b) Unorganised	30	16.67	-	20.00	40.00	40.00
(c) Total	66	24.24	12.50	18.75	31.25	37.50
<u>2. MORADABAD</u>						
(a) Organised	32	25.00	37.50	25.00	-	37.50
(b) Unorganised	45	11.11	20.00	20.00	40.00	20.00
(c) Total	77	16.88	30.78	23.08	15.38	30.76
<u>3. NAINITAL</u>						
(a) Organised	37	27.02	30.00	20.00	40.00	10.00
(b) Unorganised	27	11.11	33.33	33.33	-	33.34
(c) Total	64	20.31	30.77	23.08	30.77	15.38
<u>4. ALL DISTRICTS</u>						
(a) Organised	105	27.62	27.59	20.69	24.14	27.58
(b) Unorganised	102	12.74	15.38	23.08	30.78	30.76
(c) Total	207	20.29	23.81	21.43	26.19	28.57

check wage rate among workers could be helpful in the proper implementation of the Act to a great extent as viewed by 26.19 per cent of the female workers. As we have earlier mentioned

check wage rates among workers could be helpful in the proper implementation of the Act to a great extent as viewed by 26.19 per cent of the female workers. As we have earlier mentioned that the Equal Remuneration Act was not known to the majority of workers in the sample. The analysis of data regarding the suggestions made by female workers also revealed that female workers wanted to have proper knowledge about the Act. Proper information about the Act to female workers should be given as suggested by 28.57 per cent of the female workers (Table 5.3). Now it seems that due to lack of awareness about the Act among workers as well as among employers, the Act is being violated by the employers in many cases. Due to lack of knowledge about the Act and the procedure for lodging complaints against the employers, some of the female workers could not lodge complaints regarding wage discrimination.

CHAPTER VI

EMPLOYERS ATTITUDE TOWARDS WOMEN WORKERS AND THE ROLE OF THE STATE

Nature of Establishments and Pattern of Employment in the Establishments

Information was also collected from the employers and Personnel Managers of the establishments which had been selected for survey through a structured questionnaire prepared for this purpose. The establishments were selected from agriculture, industry, construction and trade and commerce and the total number of selected establishments were 42 in three sample districts. The number of establishments in the sample were 16 from district Kanpur, 16 from Moradabad and 10 from Nainital. Data regarding employment structure and its nature, wage rates and periodicity of payments in the establishments were collected from the employers and Personnel Managers. The views of the employers and Managers about wage discrimination and their attitudes towards Equal Remuneration Act were also collected. The establishments/ organisations which had been selected for the survey were 7.14 per cent from Agriculture, 33.33 per cent from Industry, 16.67 per cent from Construction and 42.86 per cent from Trade and Commerce. Overall, 42.86 per cent establishments in the sample were from organised sector and remaining 57.14 per cent from unorganised sector.

The data on nature of employment in the selected establishments revealed that the workers employed on permanent basis was recorded comparatively at a higher proportion (22.80 per cent) among male workers than the female workers (7.58 per cent). However, the women workers employed on temporary, daily and piece rate basis was at higher proportion compared to the male workers (Table 6.1). The pattern and the nature of employment in the establishment was not similar among all the selected districts. The proportion of workers in the establishments in organised sector was considerably higher who were employed on permanent basis in all the selected districts. All the workers working in the selected establishments were being paid in cash as reported by all the employers and Personnel Managers. The periodicity of payments of wages or salaries to the workers varied according to the nature of employment and work. The proportion of workers was 57.21 per cent among male and 66.47 per cent among female workers who were receiving their wages on weekly basis and those who were being paid in a month constituted 42.44 per cent among male workers and 33.35 per cent among female workers. Majority of the workers who were being paid on monthly basis, were employed permanently. The proportion of total workers employed in the selected establishments was 0.35 per cent among male and 0.18 per cent among female workers who were getting their wages daily. All the workers employed in organised sector were being paid their salaries on a monthly basis. However, the workers who were being paid in a month

Table 6.1 : Nature of Employment and Periodicity of Wage Payments in the Sample Establishments

DISTRICT/Sector	Nature of Employment in the Establishments				Mode of Payment		Periodicity of Wage Payments									
	Permanent		Temporary		Daily Wages		Piece Rate		(Cash)		Daily		Weekly		Monthly	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1. KANPUR																
(a) Organised	63.38	48.73	9.73	2.54	26.89	38.32	-	10.41	100	100	-	-	-	-	100.00	100.00
(b) Unorganised	-	-	16.77	39.29	69.68	39.29	13.55	21.42	100	100	27.48	26.31	9.92	13.16	62.60	60.53
(c) Total	45.37	40.17	11.73	9.00	39.05	38.49	3.85	12.34	100	100	6.82	3.62	2.46	1.81	90.72	94.57
2. MORADABAD																
(a) Organised	100.00	100.00	-	-	-	-	-	-	100	100	-	-	-	-	100.00	100.00
(b) Unorganised	26.12	29.86	27.99	23.61	38.43	36.11	7.46	10.42	100	100	-	-	19.90	20.83	80.10	79.17
(c) Total	37.34	47.12	23.73	17.80	32.60	27.23	6.33	7.85	100	100	-	-	19.90	20.83	81.90	82.76
3. NAINITAL																
(a) Organised	77.64	40.00	22.36	60.00	-	-	-	-	100	100	-	-	-	-	100.00	100.00
(b) Unorganised	0.82	0.18	40.73	40.40	58.45	59.42	-	-	100	100	-	-	80.00	80.00	20.00	20.00
(c) Total	20.59	4.06	36.00	42.30	43.41	53.64	-	-	100	100	-	-	61.11	71.19	38.89	28.81
4. ALL DISTRICTS																
(a) Organised	75.26	45.79	19.78	36.45	4.96	13.97	-	3.79	100	100	-	-	-	-	100.00	100.00
(b) Unorganised	1.45	0.88	39.69	39.99	58.26	58.60	0.60	0.53	100	100	0.47	0.22	77.28	78.20	22.25	21.58
(c) Total	22.80	7.58	33.93	39.46	42.85	51.94	0.42	1.02	100	100	0.35	0.18	57.21	66.47	42.44	33.35

constituted 22.25 per cent among male and 21.58 per cent among female workers employed in unorganised sector. The individual districts had shown a wide variation in the pattern and periodicity of wage payments (Table 6.1). Most of the sample workers were employed on daily basis and majority of them were being paid in a week.

The nature of employment among workers in selected establishments highlights that the employers had given preference to male workers in the recruitment especially against permanent vacancies and females were generally given temporary nature of employment.

Discrimination in Wages Against Female Workers

During investigation, it has been observed that female workers were given lower wages as compared to male workers in some of the establishments. Wage discrimination against women workers was recorded in 21.43 per cent establishments out of 42 establishments surveyed. However, differentials in wage rates between male and female workers were not found in the establishments under organised sector. Data regarding wage discrimination against women workers were analysed according to the establishments headed by employers themselves and Personnel Managers. Overall, 30 establishments were found to be headed by Personnel Managers and remaining 12 establishments were directly managed by employers themselves (owners). The survey data revealed that wage discrimination against female

workers was found in the establishments at a higher proportion which had been managed by Personnel Managers as compared to the establishments directly managed by employers (owners) themselves.

Wage differentials between male and female workers were found in 23.33 per cent of the establishments looked after by Personnel Managers, while wage differentials were recorded in 16.67 per cent establishments managed by employers themselves (Table 6.2). Differentials in wage rates between male and female workers were not recorded in the establishments headed by managers themselves in two districts - Kanpur and Moradabad. However, in district Nainital, discrimination against female workers was found in some of the establishments managed by employers themselves. Among the individual districts, the proportion of establishments reported discrimination against female workers was recorded lowest in district Moradabad.

In response to queries about the reasons for making discrimination in the wage rates against female workers, the respondents (Employers themselves and Personnel Managers) had reported mainly two reasons for wage differentials (Table 6.2). Female workers are less efficient than male workers had been one of the reasons for giving wages to female workers at a lower rate than male workers as reported by 55.55 per cent of the respondents. Similarly, 44.45 per cent of the respondents, who reported wage differentials, were of the view that female workers cannot do hard work and that is why female workers are given lower wages in certain jobs.

Table 6.2 : Employers Who Gave Salary to Female Workers at Lower Rate (Percentage of Employers/Managers)

DISTRICT	Total No. of employers	No. of respondents who gave salary at lower rate to female workers	Reason for Discrimination in the Wage Rates between Male and Female workers Females are not as efficient as males Females can not do hard work	
<u>1. KANPUR</u>				
(a) Employers themselves	4	-	-	-
(b) Personnel Managers	12	41.67	60.00	40.00
(c) Total	16	31.25	60.00	40.00
<u>2. MORADABAD</u>				
(a) Employers themselves	3	-	-	-
(b) Personnel Managers	13	15.38	50.00	50.00
(c) Total	16	12.50	50.00	50.00
<u>3. NAINITAL</u>				
(a) Employers themselves	5	40.00	50.00	50.00
(b) Personnel Managers	5	-	-	-
(c) Total	10	20.00	50.00	50.00
<u>4. ALL DISTRICTS</u>				
(a) Employers themselves	12	16.67	50.00	50.00
(b) Personnel Managers	30	23.33	57.14	42.86
(c) Total	42	21.43	55.55	44.45

As has already been discussed that about 21 per cent of the employers and Personnel Managers had reported wage discrimination against female workers in some of the cases in their establishments. The employers and Personnel Managers were enquired whether the female workers who were getting lower

wages had approached them for equal wages. It was told by the respondents that about 31 per cent of the female workers had approached the employers and Personnel Managers for equal remuneration. But it was found that the employers and managers had not taken any action towards their approach and their request had not been entertained.

Sector-wise Wage Rates in the Sample Establishments

The wage rates and salary scales among different categories of employees working in the selected establishments were also collected from the employers and Personnel Managers. For making comparison in the wages of male and female workers in the establishments, the monthly salaries of the workers who were being paid their wages on monthly basis, had been worked out for one day. The establishments of organised sector did not indicate any disparity in the remuneration between male and female workers, whether employed on permanent basis or temporary or daily wages. However, discrimination in wage rates against women workers had been recorded in almost all the establishments of the unorganised sector. The differentials in the wage rates between male and female workers were recorded highest in construction where the wages of female workers registered 10.45 per cent less than the wages of male workers (Table 6.3). Among the sample districts it was highest 22.95 per cent in Kanpur district. However, in district Nainital, differentials had not been recorded in the wage rates among the workers engaged in construction, because construction work in the sample area was

being done under supervision of government organisations.

The wage rates of female workers was 5.77 per cent less than the male workers in agriculture. In district Nainital the female workers were being paid 10.34 per cent less than the wages of male workers in agriculture sector.

Table 6.3 : Wage Rates Among Different Categories of Employees in the Establishments

	DISTRICTS				AL DISTRICT			
Nature of Work	KANPUR		MORADABAD		NAINITAL			
	Daily Wages in Rupees							
	Male	Female	Male	Female	Male	Female	Male	Female
1. Agriculture	11.50	11.50	-	-	14.50	13.00 (10.34)	13.00	12.25 (5.77)
2. Industry	38.33	38.33	15.15	15.15	30.87	27.81 (9.91)	28.25	27.23 (4.32)
3. Construction	15.25	11.75 (22.95)	16.33	14.33 (12.25)	21.00	21.00	17.52	15.69 (10.45)
4. Service/Trade and Commerce	41.86	41.02 (2.01)	29.16	29.16	-	-	35.51	35.09 (1.18)
5. All Sectors	26.70	25.60 (4.12)	20.34	19.68 (3.24)	22.12	20.60 (6.87)	23.57	22.56 (4.20)

Note : Figures in brackets represent percentage differentials in Wage Rates between Male and Female Workers.

The wage differentials between male and female workers were also found upto 4.32 per cent in industrial establishment. However, variation in the wage rates among workers on the basis of sex was lowest in establishments of service sector (Table 6.3). Among the sample districts, wage discrimination against female workers was found at a highest rate in district Nainital. The differentials in the hours of work in the establishments were also tried to measure and it was found that the hours of work were same and similar for male as well as female workers in the selected establishments. Discrimination against female workers was not recorded as far as hours of work are concerned.

We have also tried to examine the pattern of promotion, transfer, termination and demotion of the workers in selected establishments. In this context, data were also collected for the last five years from the selected establishments and the information revealed that there had not been differentials in transfer, promotion, termination among employees on the basis of sex. However, during last five years, many cases of transfer, promotion, termination and demotion of workers were recorded in the establishments.

Preference to Male Workers in the Establishments

The employers and Personnel Managers were asked whether they preferred male workers in giving more additional benefits in the work place. Data in this regard revealed that some of

the employers had given more benefits to male workers in terms of extra increments, promotion, bonus, medical facilities, etc. Generally this type of discrimination was reported in the establishments under unorganised sector. Except in district Nainital, no employer or Personnel Manager of the establishments in organised sector had reported discrimination on the basis of sex. Overall, 26.38 per cent of the employers or managers had reported discrimination on the basis of sex in providing additional benefits to their workers. However, in district Nainital, half of the employers had reported discrimination against female workers in their establishments. The employers and managers of the selected establishments had reported at a comparatively higher proportion in unorganised sector (41.66 per cent) than in organised sector (11.11 per cent). The proportion of employers and managers, who made discrimination in providing benefits to their workers on the basis of sex was recorded 37.50 per cent and 36.36 per cent in districts Kanpur and Moradabad respectively under unorganised sector. Asking about the reasons for discrimination against women workers, the employers and managers had reported that generally women workers are not able to do hard work, they take more leave and efficiency among female is comparatively lower than male workers.

Pattern of Leave Provisions in the Establishments

Data regarding different types of leave provisions, such as, weekly holiday, earned leave, casual leave, maternity leave and insurance against accidents in the establishments were also

collected from the managements. The analysis of data indicated a wide variations in the proportions of establishments which had different types of leave provision for the employees in organised and unorganised sectors. All the above mentioned provisions had been extended by a substantially higher proportion of establishments in organised sector than the establishments in unorganised sector (Table 6.4). Weekly holiday and casual leave were provided by all the selected establishments in organised sector while these facilities had been extended by 36.00 per cent and 28.00 per cent of the establishments in unorganised sector. Earned leave, maternity leave and medical leave were provided by 94.12 per cent of the establishment in organised sector. On the other hand, in unorganised sector, the proportion of establishments were recorded 24.00 per cent, 20.00 per cent and 12.00 per cent respectively which had given earned leave, maternity leave and medical leave to their employees. Differentiations had not been found among the workers on the basis of sex, as far as coverage of these leave provisions are concerned as reported by the respondents. However, discrimination had been made among workers in extending different kinds of leave provisions on the basis of nature of employment. The workers, employed on daily and piece rate basis in the establishments had not been given any kind of leave facility. The individual districts did not show any significant variation in the pattern of leave facility.

Table 6.4 : Different Types of Provisions in the Establishments

DISTRICT/Sector	Total No. of emplo- yers & manag- ers in the sample	Different Types of Provision					
		Weekly holi- day	Earned leave	Casual leave	Mater- nity leave	Medical leave	Insur- ance against accid- ent
1. <u>KANPUR</u>							
(a) Organised	8	100.00	87.50	100.00	87.50	87.50	25.00
(b) Unorganised	8	25.00	12.50	25.00	25.00	-	-
(c) Total	16	62.50	50.00	62.50	56.25	43.75	12.50
2. <u>MORADABAD</u>							
(a) Organised	5	100.00	100.00	100.00	100.00	100.00	-
(b) Unorganised	11	33.33	33.33	33.33	16.67	16.67	-
(c) Total	16	50.00	50.00	50.00	37.50	37.50	-
3. <u>NAINITAL</u>							
(a) Organised	5	100.00	100.00	100.00	100.00	100.00	40.00
(b) Unorganised	5	60.00	20.00	20.00	20.00	20.00	-
(c) Total	10	80.00	60.00	60.00	60.00	60.00	20.00
4. <u>ALL DISTRICTS</u>							
(a) Organised	18	100.00	94.12	100.00	94.12	94.12	23.53
(b) Unorganised	24	36.00	24.00	28.00	20.00	12.00	-
(c) Total	42	61.90	52.38	57.14	50.00	45.24	9.52

Infrastructural Facilities in the Establishments

Information about different types of infrastructural facilities, such as, medical, library-reading room, recreation room, separate toilet for males and females, credit-cooperative societies, provision of first aid, drinking water and common room, provided by the employers to their employees was also

gathered. Data in this regard revealed that the aforesaid facilities had not been provided by all the employers. Medical facilities were provided in 45.83 per cent of the establishments (Table 6.5). Facility of library and recreation room was provided by 29.83 per cent and 54.00 per cent establishments. The necessary facility like toilet was not provided separately for male and female workers in 29.86 per cent establishments. Credit and cooperative society was not provided in the establishment in unorganised sector. However, in organised sector, 50 per cent of the establishments had provided cooperative societies. Provision of first aid was extended to the employees by 76.39 per cent employers.

However, all the selected establishments had facility of drinking water. Common room was provided to the employees in 68.75 per cent establishments. In unorganised sector, the facilities had been provided by the establishments as a comparatively lower proportion than by the establishments in organised sector (Table 6.5). Among the individual districts, these facilities had been provided by relatively higher proportion of establishments in district Moradabad than in other districts.

These facilities had not been provided to the workers who were working in agriculture and construction work.

Table 6.5 : Different Types of Facilities Provided by the Employers to the Workers in the Organisations/Establishments

DISTRICT/Sector	Total No. of empl- oyers	Type of Facilities in the Work Place (Percentage of Employees)							
		Medical hospital/ dispensary	Library/ reading room	Recre- ation room	Separate toilet for male & female	Credit/ cooper- ative society aid	Provis- ion of water first aid	Drinking water room	Common room
1. KANPUR									
(a) Organised	8	50.00	37.50	75.00	87.50	50.00	87.50	100.00	62.50
(b) Unorganised	8	50.00	37.50	12.50	50.00	-	62.50	100.00	75.00
(c) Total	16	50.00	37.50	43.75	68.45	25.00	75.00	100.00	68.75
2. MORADABAD									
(a) Organised	5	100.00	60.00	100.00	100.00	80.00	100.00	100.00	100.00
(b) Unorganised	11	18.18	18.18	-	54.54	-	54.54	100.00	45.45
(c) Total	16	59.09	39.09	50.00	77.27	40.00	77.27	100.00	72.27
3. NAINITAL									
(a) Organised	5	60.00	20.00	36.36	100.00	20.00	100.00	100.00	100.00
(b) Unorganised	5	-	-	20.00	20.00	60.00	100.00	100.00	-
(c) Total	10	30.00	10.00	28.18	60.00	40.00	100.00	100.00	50.00
4. ALL DISTRICTS									
(a) Organised	18	66.66	38.88	83.00	94.44	50.00	94.44	100.00	83.33
(b) Unorganised	24	25.00	20.83	25.00	45.83	-	58.33	100.00	54.16
(c) Total	42	45.83	29.83	54.00	70.14	25.00	76.39	100.00	68.75

Knowledge of Equal Remuneration Act Among
the Employers and Managers

During investigation it was recorded that the Equal Remuneration Act was not known to all the employers and Managers in the sample establishments and it was found that the Act was known to 73.81 per cent of the total employers and Managers. In organised sector, all the employers and Managers knew about the Act. However, the Equal Remuneration Act was known to 49.16 per cent of the employers and Personnel Managers of the establishments in unorganised sector (Table 6.6). It is a matter of surprise that the Act is known to less than the half of the employers and Personnel Managers in unorganised sector even after the twelve years of its commencement. It seems that this factor had been one of the reasons for violating the Act especially in unorganised sector. Among the sample districts, the proportion of employers/Managers who were not aware about the Act varied from 31.25 per cent in Moradabad to 20.00 per cent in Nainital.

Let us examine the sources of first hand information to the employers and Personnel Managers about the Equal Remuneration Act. To know the source of first hand information to the respondents about the Act seems an essential task for considering the effective media in the implementation of the Act. The employers and managers of the sample establishments had been asked the source of first hand information about the Act. Data pertaining to the information revealed that the

Table 6.6 : Source of First Hand Information About the Act Among the Employers/Personnel Managers

(Respondents in Percentages)

DISTRICT/Sector	No. of emplo- yers in the sample	No. of emplo- yers who knew about Act	News- paper	Radio/ T.V.	Friends/ relat- ives	Govt. offi- cials	Govt. notifi- cation/ order
<u>1. KANPUR</u>							
(a) Organised	8	100.00	25.00	-	-	37.50	37.50
(b) Unorganised	8	50.00	50.00	25.00	-	25.00	-
(c) Total	16	75.00	37.50	12.50	-	31.25	18.75
<u>2. MORADABAD</u>							
(a) Organised	5	100.00	40.00	-	-	20.00	40.00
(b) Unorganised	11	37.50	-	16.68	16.18	33.32	33.32
(c) Total	16	68.75	20.00	8.34	8.34	26.66	38.66
<u>3. NAINITAL</u>							
(a) Organised	5	100.00	-	-	-	80.00	20.00
(b) Unorganised	5	60.00	-	-	-	33.33	66.67
(c) Total	10	80.00	-	-	-	56.66	43.34
<u>4. ALL DISTRICTS</u>							
(a) Organised	18	100.00	22.22	-	-	44.44	33.34
(b) Unorganised	24	49.16	15.39	15.39	7.69	30.77	30.76
(c) Total	42	73.81	18.80	7.69	3.84	37.61	32.06

Government Officials and the Government Notification Orders were the main sources of first hand information about the Act to employers and managers as reported by 37.61 per cent and 32.06 per cent respondents respectively (Table 6.6). The next important source was newspaper through which 18.80 per cent respondents came to know about the Act. Similarly,

11.53 per cent employers and managers came to know about the Act through radio, television and other sources. The individual districts have shown significant variation as far as source of first hand information is concerned.

Pattern of Discrimination Against Female Workers in the Establishments Managed by Different Types of Managements

An attempt has been made to examine the attitude and level of discrimination against female workers in the sample establishments looked after by different types of managements. The managements of the establishments had been divided into two groups - establishments headed by employers themselves (owners) and establishments headed by Personnel Managers. Generally, the policy, behaviour and attitude of the employers are different to the Personnel Managers. It has been found that 9.52 per cent of the respondents from employers and managers had followed discrimination policy against female workers at the time of recruitment. The proportion of respondents was comparatively higher 16.67 per cent among the employers who reported discrimination at the time of recruitment while on the other hand the proportion of Personnel Managers was 6.67 per cent who followed the discrimination policy. However, wage discrimination against female workers was recorded at a lower proportion (16.67 per cent) in the establishments managed by employers themselves compared to establishments (33.33 per cent) looked after by the Personnel Managers (Table 6.7).

Table 6.7 : Pattern of Discrimination Against Women Workers in the Establishment Managed by Different Types of Management

DISTRICT/Establishments Headed by	No. of establishments in the sample	No. of respondents who made discrimination at the time of recruitment	No. of respondents who gave lower wages to female workers	No. of respondents who gave benefits to male workers	No. of respondents who know Equal Remuneration Act	No. of respondents who viewed that the Act is not justified
1. KANPUR						
(a) Employers themselves	4	25.00	-	50.00	100.00	25.00
(b) Personnel Managers	12	16.67	41.67	-	66.67	-
(c) Total	16	18.75	31.25	12.50	75.00	6.25
2. MORADABAD						
(a) Employers themselves	3	-	-	66.67	66.67	-
(b) Personnel Managers	13	-	15.38	-	69.23	-
(c) Total	16	-	12.50	12.50	68.75	-
3. NAINITAL						
(a) Employers themselves	5	20.00	40.00	-	100.00	40.00
(b) Personnel Managers	5	-	-	-	60.00	-
(c) Total	10	10.00	20.00	-	80.00	20.00
4. ALL DISTRICTS						
(a) Employers themselves	12	16.67	16.67	25.00	91.67	25.00
(b) Personnel Managers	30	6.67	23.33	-	66.67	-
(c) Total	42	9.52	21.43	16.67	73.81	9.52

It was also found that the male workers were given some additional benefits, such as advancement of loan, medical advance, special increment, concessional finance and other material benefits in some of the establishments as reported by 16.67 per cent of the respondents. Generally those benefits were given to the male workers in some of the establishments managed by employers themselves. However, the Personnel Managers did not report this type of discrimination on the basis of sex in the establishments headed by them (Table 6.7). There has been variation in the proportions of employers and Personnel Managers who knew the Equal Remuneration Act. The proportion was recorded comparatively higher (91.67 per cent) among the employers than the proportion (66.67 per cent) of Personnel Managers who knew the Equal Remuneration Act. The pattern was found similar among the individual districts regarding the knowledge of the Act among the employers themselves and the Personnel Managers. During discussion about the Equal Remuneration Act with the respondents (Employers and Personnel Managers), it was observed that some of the respondents were against of the Act as reported by 9.52 per cent of the employers. However, the Personnel Managers of the establishments in sample did not indicate any point against the Act. Among the employers, who viewed that the Act is not justified, constituted 25.00 per cent. The arguments against the Equal Remuneration Act as viewed by the employers were that female workers are not as efficient as male workers and females are usually prone to avail more leave.

Practical Problems in the Implementation of the Act

The Equal Remuneration Act is violated generally at two stages - at the time of recruitment of the workers and at the time of giving remuneration. The Act also protects the female workers in these two points. Theoretically, the Act seems very ideal and appropriate to safeguard the interest of the female workers. When we examine the concept of Equal Remuneration Act in actual practice, it is found that technically, only half part of the Act could be implemented. Discrimination in the wage rates against female workers could be checked by the proper implementation of the Act, in terms of proper inspection, surprise raids, effective rules, hard punishments and thorough checking. But discrimination, at the time of recruitment can not be checked due to certain technical and basic difficulties. Suppose, at the time of interview, if the male candidate is selected against particular vacancy because of his better performance in the interview as well as the selection committee finds him more suitable as compared to female candidate.

In such situation, the selection of the male candidate does not seem an act of violation of Equal Remuneration Act. However, in other simple language, the selection of male candidate could be pronounced as discrimination against female worker. One can not measure the level of discrimination in the recruitment process due to technical problems involved in it. Similarly, the performance of the candidate in the interview could not be weighed and therefore, it is beyond challenge.

It has also been observed that certain departments or jobs where the recruitment of females is not suitable from the point of view of security or where the nature of work required additional time apart from normal working hours, or where working hours of certain jobs are required during night time, the employers usually prefer to appoint male candidates. Similarly, recruitment of female workers in the establishments which are located in remote areas and are far from residential places, becomes a problem for the managements of the establishments. It is impracticable to arrange security measures for the protection of female workers while coming from home and going back to. Therefore, in such cases, the employers or managers generally avoid to recruit females. Keeping such types of unavoidable situations in mind, the employers/managements prefer male candidates.

When the females are not appointed by simply saying that they are not as efficient as male workers or females are unable to perform all types of work or they avail comparatively more leave and the male candidates are preferred by the employers in the recruitment, it may be called discrimination against female workers and it is violation of Equal Remuneration Act. The Equal Remuneration Act remains incomplete within itself unless the Act specifies certain quota of reservation for female candidates in the job market. Without prescribing reservation of certain percentage in jobs for females, the implementation of Equal Remuneration Act is not possible as it is assumed.

Visits of Government Officials in the Establishments

Though the inquiries are conducted by Government Officials regarding the wage rates in the establishments and organisations from where complaints are made against wage discriminations. Surprise visits of concerning officials from Enforcement Machineries to the establishments/organisations where female workers are also employed may be helpful in proper implementation of Equal Remuneration Act to a great extent. Information about the visits made by Government Officials regarding implementation of the Act revealed that about half of the managements of the selected establishments reported the visits of the officers in their establishments. About two-thirds of the respondents from organised sector and one-third from unorganised sector reported that Officers from enforcement machineries visited in their establishments. In the individual districts, 50.00 per cent of the respondents reported about the visits in district Kanpur, 30.00 per cent in Moradabad and 70.00 per cent in Nainital.

Data pertaining to periodicity of visits indicated that Officials visits were made rarely in majority of the cases as reported by 64.59 per cent of the employers and managers among those who pointed out Officials visits. The visits were made half-yearly in 29.16 per cent establishments. Among the employers and managers, who reported about Officials visits, 6.25 per cent of the respondents pointed out that Government Officers visited their establishments about once in a year.

A wide variation has been observed in the periodicity of visits among the selected districts. The respondents from district Kanpur reported that visits of the officials from enforcement machineries was very rare. However, in district Nainital, the proportion of respondents among those who pointed out about the visits, was recorded highest who reported that the visits were on an average half-yearly.

State Advisory Committee

The Equal Remuneration Act has a provision that the State Government can form an Advisory Committee for the purpose of providing increasing employment opportunities for women and to advise the Government with regard to the extent to which women may be employed. In Uttar Pradesh, on the basis of Government Notification, the Special Secretary, Labour, nominates the members of the State Advisory Committee. The tenure of the members in the Advisory Committee is for two years and the Committee is constituted in every two years by the Government. There are equal members of male and female members in the Advisory Committee of the State. The members of the Committee are generally from Government Departments, State Legislative Assembly, Advocates, Teachers and other influential persons in the society. During 1988-89, there were 24 members (12 males and 12 females) in the State Advisory Committee in Uttar Pradesh. The meeting of State Advisory Committee is called by the President of the Committee. The past trend about the frequency of the meetings held indicated that by and large, the Advisory Committee meets two or three times in its tenure

(in two years). The Advisory Committee may form its own sub-committees to function smoothly in the formulation of ways and means for increasing job opportunities for the women. The members of sub-committees may be from Advisory Committee or from outside or from both. The members of the Committee are supposed to visit different organisations, establishments and areas to find out the possible scope and areas for increasing job opportunities for female workers.

Looking at the performance of State Advisory Committee in relation to providing increasing employment opportunities for women in the State, it is found that the Committee has achieved a little success in this direction. During past, the main functions of the Advisory Committee had been to collect information regarding discrimination against women workers in wage rates, hours of work, promotion and other welfare schemes, exploitation, termination and demotion of female workers in existing employment where women are working and thereafter to send report to the Government. It seems that members of the Advisory Committee are not able to perform their duty wholeheartedly, because, the members are non-paid (only T.A. and D.A. is paid) on the one hand and the period of their tenure is very small on the other. Two-years of their office is not sufficient for the members to understand the procedure of Act, to know the problems of women workers employed in different organisations and in different nature of work, to visit different industries and establishments located in different areas for coming up a sound decision.

The recommendations made by Advisory Committee for providing increasing job avenues may be applied in Government Departments or in the establishments undertaken by the Government. But the recommendation of the Committee for providing employment opportunities to women has no legal binding on the managements of private organisations, especially on the employers of establishments in unorganised sector. Thus, the advice given by the Advisory Committee regarding increase in employment opportunities for women remains simply a package of suggestions. The Equal Remuneration Act neither indicates any compulsion to recruit women in their organisation nor makes any fixed quota of reservation for women candidates in the recruitment; nor prescribes any kind of legal action against the employers who do not obey the recommendation made by the Advisory Committee. Simply by mentioning in the Act that no employer shall make any discrimination against women while making recruitment for the same work or work of similar nature, the purpose of the Act could not be obtained. The recruitment of a male candidate against any vacancy through interview or any procedure could not be judged from the point of view of discrimination against any female. The Equal Remuneration Act seems an incomplete Act within itself. The Act should have included the areas of jobs for female workers and provision of reservation for certain proportion of vacancies for female workers should have fixed. The State Advisory Committee also felt that the Equal Remuneration Act should be objective in nature rather than subjective.

Thus, it is suggested that the Advisory Committee should have a permanent feature in its structure and the members of the Committee should be nominated for 5 years at least so that the benefits of their active participation could be obtained.

Enforcement Machinery to Implement the
Equal Remuneration Act in U. P.

The Labour Inspectors (now called as Assistant Labour Officer) are the overall incharge in implementing the Equal Remuneration Act at the grass-root level and they are posted in different districts at Tehsil level. They make inspections related to implementation of Act, in the establishments, factories, industries and organisations regarding wage rates of female workers, registers maintained by employers, hours of work, payments of wages and other aspects of female problems in the work place. Sometimes surprise raids are also conducted by the enforcement authority under the permission of Additional Labour Commissioner to check the violation of the Act. A women-cell has also been created in the head quarter (Kanpur) of the Enforcement Authority in U.P. The main function of the cell is to deal with the implementation work of all the Acts related to women and child workers employed in the State. The investigations and raids made by women-cell are generally confined to limited periphery. Though the role of enforcement machinery in implementing the Equal Remuneration Act has been satisfactory in the State, but due to certain problems and technical reasons, the objectives of the enforcement authority could not be achieved.

The Labour Inspectors are generally over-burdened with work load in the State as they have to look after Nineteen Labour Laws including the Equal Remuneration Act. The enforcement of Equal Remuneration Act is hampered by a shortage of trained Labour Inspectors and also by financial constraints on the operations of the inspectorate. This factor is widely recognised as being the main obstacle to the effective implementation of Equal Remuneration Act. The low pay and status of the Inspectors also limits their effectiveness in dealing with employers in effort to bring out voluntary compliance. In Uttar Pradesh, there is often a lack of adequate transport available to Inspectors; this constitutes particularly acute problem with respect to inspection in rural areas. Because of economic pressures, poor knowledge of law about the Act or limited resources for inspection, many female workers in different categories are not getting equal wages for similar nature of work. It has also been observed that some employers establish good relations and have mutual understanding with the Labour Inspectors as a result the irregularities from the end of employers regarding implementation of Equal Remuneration Act tend to go unnoticed.

The Labour Inspectors confine their inspection to a limited aspect of the Act. Basically, they make inspection keeping in mind the wage rates of female workers and discrimination in wage rates against women workers. The other part of the Act, which is of equally important such as discrimination at the time of

recruitment is completely left untouched by the Labour Inspectors while making any inspection in establishments or organisations. Thus, inspections should be made in such a way that whole purpose of the Act may be fulfilled.

Inclusion of female candidates in the team of Labour Inspectors may prove beneficial as far as implementation of the Act is concerned. The female inspectors may establish good rapport with the female workers and this will bring confidence among the women workers. As a result, female workers will not hide any real facts about discrimination. It has been generally observed that female workers do not want to disclose the true facts about the wage-rates due to fear of loosing job. Women-cell should also be created in the different regions of the State, which will facilitate the smooth functioning of the enforcement machinery.

Complaints regarding violation of Equal Remuneration Act are lodged by the Labour Inspectors to the Labour Council-ation Officer. The Labour Inspector, who lodges complaints, has to appear in the Labour Court for each and every hearing of the disputes. The present procedure creates disturbances in the way of proper functioning of the Labour Inspectors as a result the Labour Inspectors try to minimise in lodging the complaints. To see the magnitude of work-load with the

Labour Inspectors, it is suggested that the responsibility of the cases about complaint should be given to the Advocates from Government side, once the complaint is lodged by the Labour Inspectors.

The Officials working in the Enforcement Authority to implement the Equal Remuneration Act are mostly over-burdened with work and they have to perform the duties of various kinds as well. Consequently, they are not in a position to devote their full attention towards the problem of discrimination against women workers in the employment market and to implement the Equal Remuneration Act.

CHAPTER VII

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The study on 'Implementation of Equal Remuneration Act, 1976 in the State of Uttar Pradesh' sponsored by the Department of Women and Child Development, Ministry of Human Resource Development, New Delhi, was carried out by the Giri Institute of Development Studies, Lucknow. The locale of the study were three districts of U.P., namely, Kanpur, Moradabad and Nainital, representing three regions of the state, viz. Central, Western and Hill respectively. The study is based on the survey of 414 workers (207 males and 207 females) employed in 42 organisations established in the three selected districts. The sample workers were working in organised and unorganised sectors, viz. schools, nursing homes, industries, telephone exchange, agricultural farms, construction and other establishments. The study was conducted during July 1988 - June 1989.

The main focus of the study was to assess the extent of implementation of Equal Remuneration Act in the state and to find out the obstacles in preventing its proper implementation. The main objectives of the study were : (i) to examine the extent of discrimination at the work place on the ground of sex of the workers; (ii) to assess the working of the provisions relating to the principle of equal pay for equal work;

(iii) to identify the main obstacles preventing the effective implementation of the Equal Remuneration Act, 1976; (iv) to know the attitude or reactions of the women workers against discrimination; and, (v) to analyse the awareness of women workers with regard to discrimination against women workers and Equal Remuneration Act. The main findings, conclusions and recommendations of this study are stated in brief.

The average size of family of the workers was 6.08 in aggregate with variations among individual districts. Majority of the families of the sample workers were of nuclear in nature. The dependency ratio was higher among the families of the male workers than the families of female workers. Majority of the workers were in the age-group of 21-30 years. The proportion of female workers below 20 years of age was highest.

The educational level of the workers revealed that the proportion of female workers was higher than the male workers who were illiterate and also who were graduate and above. Most of the illiterate workers were employed on daily wages specially either in agriculture or construction or in other manual jobs.

The ventures from which the sample workers were selected included agriculture, construction, industry and services. The distribution of workers engaged in different ventures was such that 8.69 per cent workers were employed in agriculture,

19.32 per cent in construction, 34.79 per cent in industry and 37.20 per cent in service sector. The district-wise proportion of workers employed in different sectors varied.

About 66 per cent of the workers were employed on regular basis and remaining on contract basis. The proportion of regular employment was 66.55 per cent among male workers and 65.69 per cent among female workers. Casual basis employment was at a higher rate among the female workers as compared to male workers. The individual districts have shown variation in this regard.

The structure of wages and salaries among the sample workers indicated wage differentials between male and female workers. Discrimination in the wage rates on the basis of sex was not recorded among the workers employed in organised sector in the sample districts. Overall, wages of female workers working in unorganised sector were recorded 5.30 per cent less than the wages of male workers. Discrimination in wage rates against female workers was found in unorganised sector in each district with a variation in its differentials. The wage discrimination against women in unorganised sector was found highest in district Kanpur and lowest in district Moradabad. The wage differentials between male and female workers varied from 6.68 per cent in district Kanpur to 3.49 per cent in district Moradabad. The high degree of wage discrimination against female workers in district like Kanpur where the functional head quarters of the implementing

machineries of Equal Remuneration Act are located, highlights the drawbacks in the implementation of the Act and the implementing authorities have been ineffective in removing the wage discrimination against women workers employed in unorganised sector.

The wage differentials between male and female workers in unorganised sector was recorded 17.36 per cent among workers employed on piece rate basis. Wage differentials were also recorded between male and female workers among the workers who were employed on permanent basis. The female workers were getting 7.3 per cent and 6.05 per cent less wages than the wages of male workers employed on casual and daily basis.

In the individual districts, the discrimination in remuneration on the basis of sex was found of the lowest magnitude in district Moradabad where the wages of female workers were 1.22 per cent and 5.16 per cent less than the wages of male workers employed on temporary and daily basis respectively. However, the rate of wage differentials was recorded highest between male and female workers on casual and piece rate basis in district Kanpur. Similarly in district Nainital the rate of wage differentials between male and female workers among those employed on permanent and daily basis was recorded highest. Looking at the sector-wise wage rates it was observed that on the whole the wage differentials between male and female workers varied from 11.95 per cent in agriculture

sector to 3.15 per cent in industry sector. The wages of female workers was 20.63 per cent less than the wages of male workers employed in construction in district Kanpur. In district Nainital the female workers were getting wages 11.95 per cent less than the wages of male workers in agriculture sector. The wages of female workers employed in industry sector were 8.19 per cent and 4.59 per cent less than the wages of male workers in districts Kanpur and Moradabad respectively. The wage differentials between male and female workers in the sample districts pointed out that the agriculture and construction activities are the major areas of unorganised sector where the women workers are exploited and the Equal Remuneration Act is violated.

Discrimination against female workers was also found in the case of welfare schemes, such as bonus, provident fund, gratuity, pension and annual increments. There had been discriminatory attitude of employers towards women workers even in the promotional schemes as evidenced by the fact that 13.52 per cent of male workers had been promoted as against 11.59 per cent among the female workers.

Implementation of any programme, to a great extent, depends on the knowledge of the programme and its awareness among the people. The study found that the Equal Remuneration Act was known to only 37.00 per cent of the sample workers in aggregate; 38.16 per cent among the male and 36.71 per cent to female workers. The proportion of workers

was recorded lowest in district Kanpur who had knowledge of Equal Remuneration Act where more than 60 per cent of male workers and 71 per cent of female workers were not aware about the Act. Newspaper and Radio/T.V. had been the main source of first hand information about the Act among the workers. Equal Remuneration Act needs a wide publicity among the workers through proper media such as newspaper and radio, so that workers may be fully aware about the Act. Workers' Union may play a significant role in removing any kind of discrimination against women workers. It was recorded that there was no workers' union in unorganised sector. However, in organised sector, 65.71 per cent workers reported union in the establishments but the membership from female workers was negligible.

Not only the discrimination against female workers in wage rates and other welfare schemes was recorded but also there had been general feelings among sample workers that male workers enjoy better status in the work place as viewed by 11.11 per cent male and 9.66 per cent female workers. It was general feelings among workers (both male and female) that there had been discrimination policy against female workers at the time of recruitment. This view was expressed by higher proportion of workers employed in unorganised sector. Actually at the time of recruitment of the workers, the management has to keep in mind several points such as educational level, technical skill, experience, physical

condition of the candidates, nature of work and performance of candidate in the interview. Recruitment of male candidate against any vacancy is not sufficient ground to say discrimination against women. The employers who want to discriminate easily take male workers on the ground that their relative performance during the interview had been better. Since the interview is a method where subjective judgement is made it is not possible to prove that the female was discriminated against even though that might have been the case. Thus there is violation of Equal Remuneration Act despite the fact that one does not have any concrete evidence to prove it.

Majority of the workers were of the opinion that wages of male and female workers should be equal for similar work. However, there were workers (women also) in the sample, who were of the view that the wages of female workers should be lower than male workers even for similar nature of work. In district Kanpur, the proportion of workers among males and females was recorded highest who were of the view that wage rate of female workers should be lower than male workers. The complacent attitude of many women, acceptance of male superiority and wide spread illiteracy among women had been the main reasons for indifferent value system among women regarding discrimination and these factors are the possible reasons for the poor implementation of Equal Remuneration Act.

Not only the female workers had been subject to discriminatory attitude of employers but they are also being exploited by their employers as reported by 12.08 per cent of female workers. This view was reported by comparatively larger proportion of female workers in unorganised sector and in district Kanpur. The wage rates among female workers were less than minimum wages as reported by some of the workers. Some of the female workers reported that their payments had not been regular and they had no leave facility in the establishments whereas such facility is availed by their male counterparts.

The study found that merely 5.40 per cent of the female workers reporting lower wages had approached their employers for equal wages. But their requests had been turned down by the employers. Majority of the female workers who were receiving lower wages did not try to approach the employers for equal wages and none of the female workers made any complaint to the implementing authority. Fear of losing job, lack of awareness about the Act and traditional value system among the female workers had been the major reasons for not approaching the employers as well as for not lodging complaints to the Government or concerning authority against wage discrimination.

About 31 per cent of the female workers had been approached by Government officials to enquire about their wages. The proportion of female workers was 37.14 per cent and 31.37 per

cent who reported the visits of Government officials in organised and unorganised sectors respectively. In district Kanpur, the female workers were lowest in proportion (27.27 per cent) who reported about the enquiry made by implementing authority. Similarly this fact was also confirmed by the employers and it was revealed that two-thirds of the employers from organised sector and one-third employers from unorganised sector reported the visits of Government officials. The visits made by Government officials had not been fruitful because the female workers had never disclosed the real facts about the wage discrimination to these officials for fear of loosing their job and post-inquiry complications. Some of the female workers did not want to involve themselves in Government enquiry and they did not like to become a matter of dispute. The study also found that the registers had not been maintained by all the employers in the sample areas.

Therefore, it is suggested that either the concerning departments from where the enquiries are made, should have full control over the activities to tackle the post-inquiry situation which may arise due to enquiry or the Government should have provision of alternative arrangements for those who are dismissed from their services as a result of narrating truth during the course of enquiry. Job security should be given to those workers who tell the real facts about wage discrimination. Since visits of Government officials is not regular, provision should be made for regular visits by enforcement machinery in all the establishments where women

workers are employed. The regular visits will not only bring confidence among female workers for narrating real facts about wage discrimination, but it will also make the employers to maintain registers and necessary documents related to wage payments. Easy process of lodging complaints should be worked out and the female workers should be made aware about the procedure. Incentives in the form of rewards may be introduced among workers (both male and female) for giving proper clues about the discrimination against women workers. Proper incentive should also be provided to the Inspectors who visit the establishments such that they take a keen interest in doing justice to those women workers who are being discriminated against. Effective application of the Act, provision of firm punishment to employers violating the Act and regular as well as compulsory visits by enforcement machinery were the main suggestion pointed out by the workers.

The employers and personnel managers of 42 sample establishments had also been interviewed and relevant information was collected from them. Wage discrimination against female workers was recorded in 21.43 per cent establishments. However, employers of establishments in organised sector did not report any discrimination against female workers in the wage rates. It was found that wage differentials were found in the establishments at a higher proportion which were being run by managers as compared to the establishments managed directly by employers (owners) themselves. Wage differentials

between male and female workers were found 23.33 per cent of the establishments looked after by personnel managers while wage differentials were recorded in 16.67 per cent establishments headed by employers themselves. The employers and personnel managers reported three main reasons for wage differential in their establishments : (i) that female workers are less efficient; (ii) they can not do hard work; and, (iii) generally they avail more leave.

A closer analysis of the employers highlighted the fact that differentials in wage rates between male and female workers were found highest in construction where the wages of female workers was 10.45 per cent lower than the wages of male workers. In construction, it was highest (22.95 per cent) in Kanpur district. Taking all the sectors together, the wage discrimination against female workers was found at a higher rate in district Nainital. Some of the employers accepted that the male workers are generally given preference in their establishment in terms of recruitment, promotion, wages and on providing other benefits. On the grounds that male workers are generally more efficient and hard working.

The Equal Remuneration Act was not known to all the employers and managers in the sample areas and it was found that 73.81 per cent of the employers had the knowledge of Equal Remuneration Act. However, in organised sector, all the employers and managers had knowledge of the Act. The Act was

known to less than half of the employers and managers in unorganised sector. Therefore, the knowledge of the Act should be given to all the employers and this may be done through wide publicity regarding the Act. It seems that lack of knowledge about the Act is one of the reasons for violating the Act. The enforcement machinery should be equipped properly so that the field staff may visit all the establishments where women are also employed. Government officials and their notifications had been the major sources of first hand information about the Act among the employers and managers.

Some of the employers and personnel managers admitted the fact that they had adopted discriminatory policy against female candidates at the time of recruitment. Discrimination at the time of recruitment was done at a higher proportion of the establishment headed by the employers themselves as compared to the establishments headed by managers. Some of the employers and managers reported that discrimination against female workers was done in giving additional benefits such as general loans, medical advance, special increments and other material benefits. More than 9.00 per cent of the employers were against equal wages for male and female workers. However, personnel managers were not against the equal remuneration act.

The Equal Remuneration Act is violated primarily at two stages - at the time of recruitment of the workers and at the

time of fixing wage rates. It is almost impossible to check discrimination at the time of recruitment for the obvious reason that interview is a subjective process. The Act therefore seems an incomplete Act by itself. The only way to overcome this is to fix a minimum quota for women. However, if the government machinery functions efficiently it can totally eliminate wage discrimination without much difficulty. Discrimination in wage rates against female workers could be eliminated through several measures but discrimination at the time of recruitment can not be practically checked due to certain technical and basic difficulties. The results of the interview for the selection of workers could not be weighed. Without indicating certain quota of reservation for female workers in the recruitment, it is not possible to eliminate discrimination against women in recruitment. Recently the Prime Minister announced that in each employment at least 30 per cent of the vacancies will be reserved for female candidates. Now with this provision, discrimination against female workers could be eliminated to a great extent even at the point of recruitment.

In Uttar Pradesh, the role of Advisory Committee has not been significant as far as providing job opportunities for female workers is concerned. The members of the Advisory Committee have not performed their duty whole-heartedly because the period of their tenure (which is at present for two years) is very short to look into the aspect of increasing employment

opportunities for women in the state. The recommendations made by Advisory Committee for providing increasing job avenues could not be applied in all the establishments, particularly in unorganised sector. The Equal Remuneration Act, should have provision by which the recommendations made by the Advisory Committee are obeyed by all the employers. It is suggested that Advisory Committee should have a permanent feature in its structure. The present system of inspection at the grass-root level is not sufficient. The Labour Inspectors are generally over-burdened with work and they have to perform several duties. Thus, the staff in Inspectorate should be increased and additional Labour Inspectors should be recruited only for the purpose of implementing the Equal Remuneration Act. In addition, arrangements should be made to supervise the work of the Labour Inspectors so that shortcomings in the inspection may not take place.

Finally we wish to point out that the Act generally conveys a single meaning only to workers, employers and even the Labour Inspectors themselves and that is that there should be no wage discrimination. They generally over looked the fact that the Act also aims at eliminating discrimination in the process of recruitment as well. It is, therefore, of utmost importance that while wider publicity is given about the Act even the details of it should be spelt out clearly so that the knowledge of the Act is known to all in its totality.

Equal Remuneration Act like all other laws should accomplish its main functions, i.e., the normative function of laying down the rule; secondly, extend sanctions in the consequences of breaking of those rules; thirdly, the procedural function of resolving disputes too should be completed; and, lastly, the educative function - an important one in today's situation should rightly aim at changing attitudes and thinking for wider horizons for pay equity between men and women. The Equal Remuneration Act can not be effective until it is translated from good intention of the law makers into everyday policies. The present picture shows that many managements have not reached at all and those which have waited for pressure cases of voluntary acceptance of the Act are very few. Whatever the means of achieving equal status for females, it is essential that the social partnership be fully committed to the goal.

It is clear that something more than legislation is required. Perhaps, the first thing to be done is to make women aware of their rights, however, it is done, but most of the rural women are still not aware about the Act and other laws. It is also necessary to change the attitude of both men and women, of society in general, to social objectives sought to be achieved by legislation. Women must be fully aware of their legal, constitutional and human rights at the work place.